



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

MAINTENANCE DREDGING
Clearwater Pass
Pinellas County, Florida

FINDING OF NO SIGNIFICANT IMPACT


I have reviewed the Environmental Assessment (EA) of the proposed action. This Finding incorporates by reference all discussions and conclusions contained in the Environmental Assessment attached hereto. Based on information analyzed in the EA, reflecting pertinent information obtained from other agencies and special interest groups having jurisdiction by law and/or special expertise, I conclude that the proposed action will have no significant impact on the quality of the human environment. Reasons for this conclusion are in summary:

1. The proposed work would not jeopardize the continued existence of any endangered or threatened species.
2. The State Historic Preservation Officer concurred with the U.S. Army Corps of Engineers' determination that there would be no effect on sites of cultural or historical significance.
3. State water quality certificate was issued for the nearshore placement, only. State standards will be met.
4. The proposed project has been determined to be consistent with the Florida Coastal Zone Management Program. Concurrence was received for nearshore placement only.
5. Measures to eliminate, reduce, or avoid potential impacts to fish and wildlife resources will be implemented during project construction.
6. Benefits to the public will be maintenance of the navigation channel, increased recreational benefits, increased wildlife habitat and continued local economic stimulus.

In consideration of the information summarized, I find that the proposed action will not significantly affect the human

environment and does not require an Environmental Impact Statement.

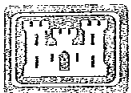
1/22/02
Date


JAMES G. MAY
Colonel, Corps of Engineers
Commanding

January 2002

Environmental Assessment

**Maintenance Dredging
Clearwater Pass
Pinellas County, Florida**



**U.S. Army Corps
of Engineers**
Jacksonville District

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1. Purpose and Need for Action

1.1 Introduction.

The Jacksonville District, US Army Corps of Engineers is the responsible federal agency for maintaining Clearwater Pass, Florida. Certain areas of the Pass develop shoals and impede the navigable capacity of the channel. The Pass has been previously dredged and the material has been placed in an upland area as well as in adjacent areas along the Gulf Intercoastal Waterway where islands were formed. In order to meet the public need as authorized by Congress, the Federal standard must be maintained.

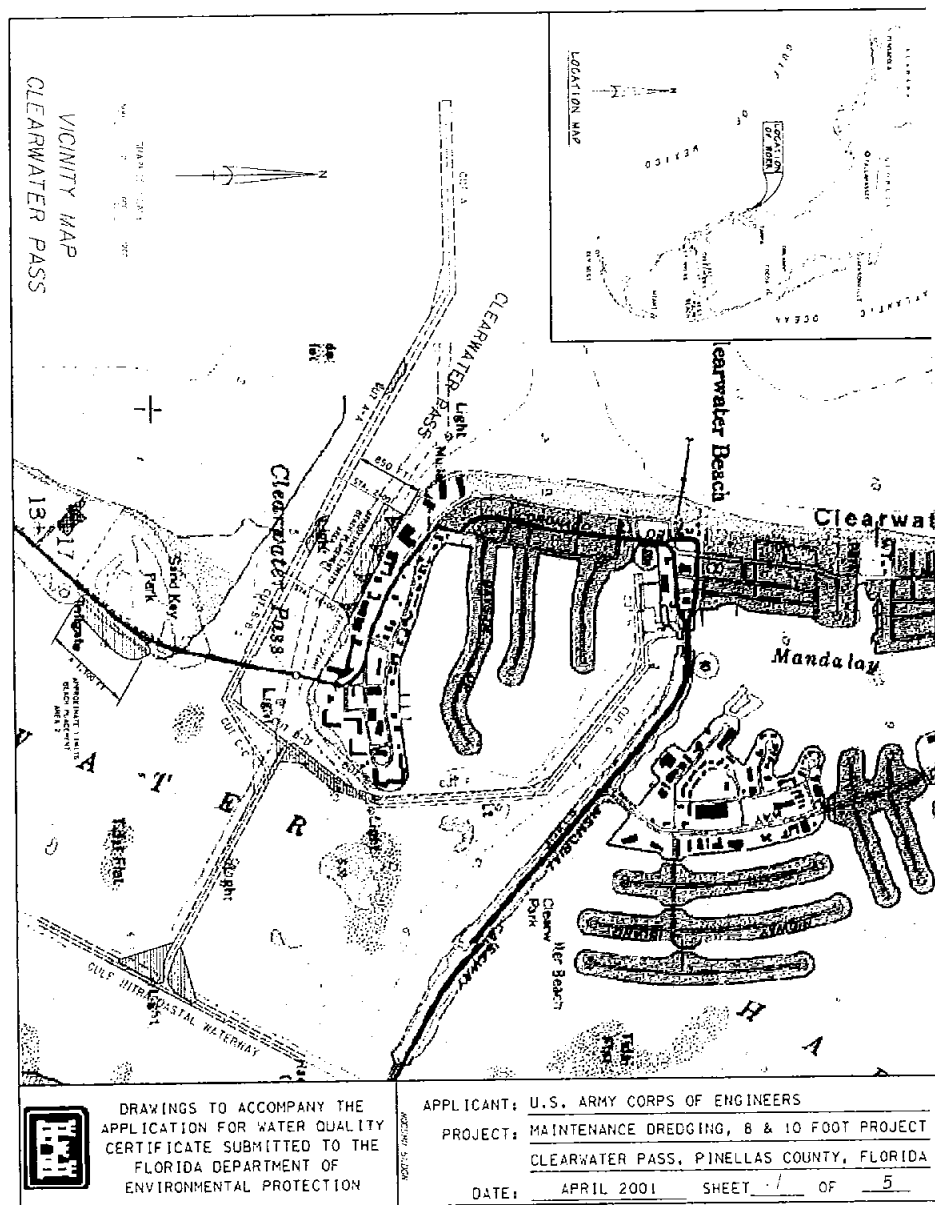


Figure 1, Clearwater Pass Navigation Project

1.2 Authority.

The project was authorized by House Document 293, 86th Congress, 2nd Session dated July 14, 1960.

1.3 Decision to be Made.

The decision to be made is whether to maintain the channel or where to place the material.

1.4 Relevant Issues

- a. Water quality
- b. Benthos
- d. Seagrass
- e. Fisheries
- f. Manatees
- g. Historic Properties
- h. Aesthetics
- i. Recreation
- j. Economics
- k. Navigation

1.5 Permits Required.

The maintenance dredging and placement of the dredged material will require a modification of a Florida Department of Environmental Protection Water Quality Certification in accordance with the Memorandum of Understanding between DEP and the US Army Corps of Engineers, and in accordance with Section 401 of the Clean Water Act. In addition, the work must be consistent with the Florida Coastal Zone Management Program.

1.6 Methodology.

An interdisciplinary team used a systematic approach to analyze the affected area, to estimate the environmental effects, and to write the environmental impact assessment. This included literature searches, coordination with agencies and private groups having expertise in particular areas, and field investigations.

2. ALTERNATIVES.

2.1 Introduction.

The Alternatives section is the heart of this Environmental Assessment. This section describes in detail the no-action alternative, the proposed action, and other reasonable alternatives that were studied in detail. Then based on the information and analysis presented in the sections on the Affected Environment and the Probable Impacts, this section presents the beneficial and adverse environmental effects of all alternatives in comparative form, providing a clear basis for choice among the options for the decisionmaker and the public. A summary of this comparison is located in the alternative comparison chart, Table 2.1, page 3. This section has five parts:

- a. A description of the process used to formulate alternatives.

- b. A description of alternatives that were considered but were eliminated from detailed consideration.
- c. A description of each alternative.
- d. A comparison of the alternatives.
- e. The identification of the preferred alternative.

2.2 History of Alternative Formulation.

During construction and initial maintenance, dredged material was sidecast adjacent to the channel forming shallow sandbars and islands. Due to the increased water quality and solid substrate seagrasses colonized these areas. As seagrasses were considered more important and beach near the navigation channel became eroded, beach placement was considered the best alternative. So much so that the State of Florida entered into a Memorandum of Understanding with the Corps to pay any additional cost should this cost be more than the normal method. Since the beaches in the area being nourished at regular intervals, other creation and restoration options have been included in the evaluation.

2.3 Eliminated Alternatives.

Sidecasting of material was eliminated due to its adverse impact on seagrass beds.

2.4 Description of Alternatives.

The only alternative to dredging is no action. There are, however, several alternative placement areas to consider.

2.4.1 No Action Alternative.

The No Action Alternative would involve not maintaining the existing channel.

2.4.2 Dredging and Beach Placement (Site A).

The project consists of the maintenance dredging of the Clearwater Pass. The material would be placed on the beach located on the north side of the interior of the Pass. Each dredging occurrence (3-year cycle) would produce approximately 350,000 cubic yards of material. The impacts to manatees would be mitigated by the implementation of the standard manatee protection conditions (Appendix II). Seagrass impacts would be avoided by requiring special conditions to prevent contact with the seagrass beds and to minimize turbidity levels at the edge of the seagrasses. The project would also include a sea turtle monitoring and relocation program for the beach placement areas during the nesting season 1 March to 30 November.

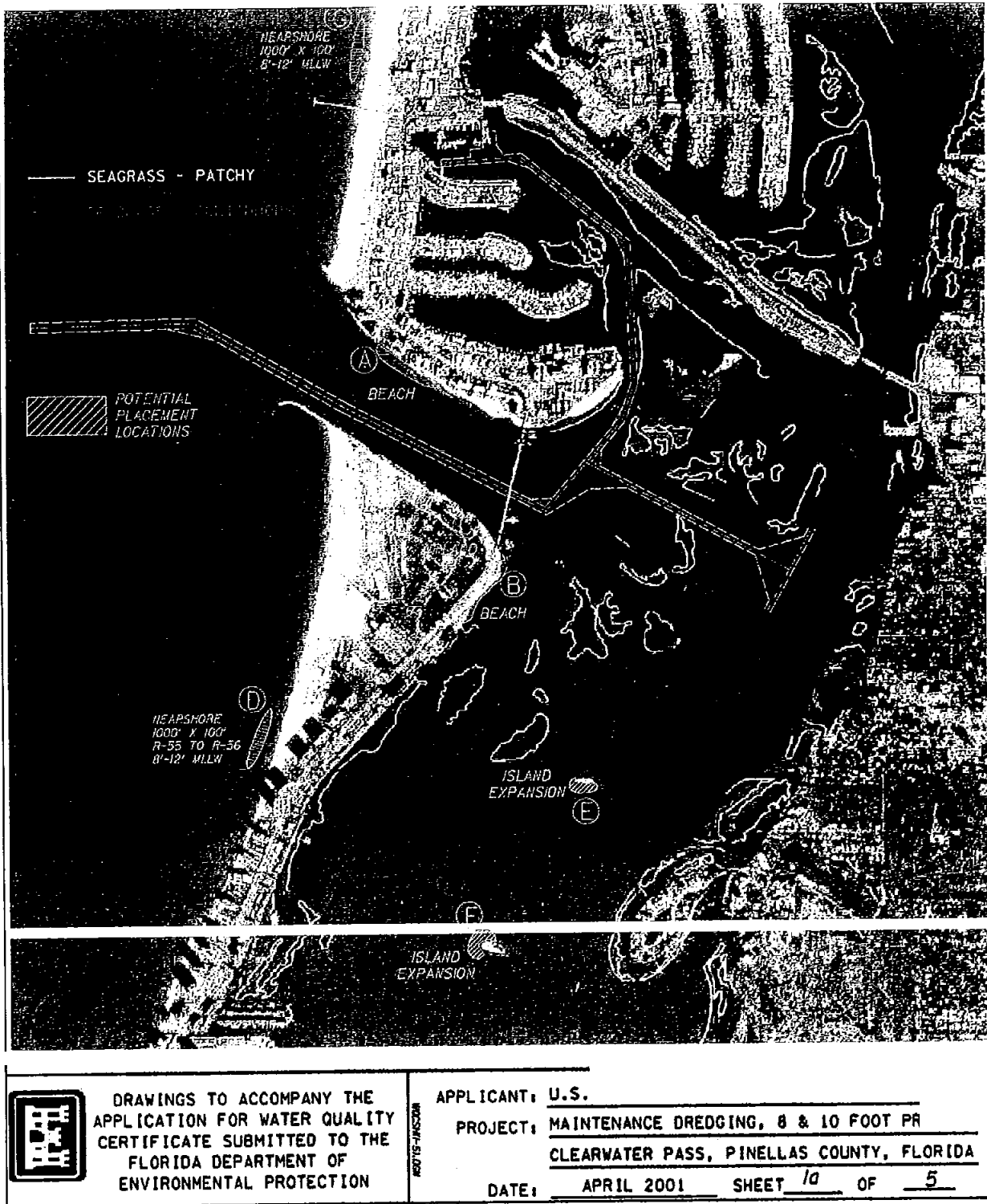


Figure 2, Alternative Location Map

2.4.3 Dredging and Near-shore Placement (Sites C and D)

The project consists of the maintenance dredging of the Clearwater Pass. The material would be placed in the littoral area along the beach north and south of the Pass. Each dredging occurrence (3-year cycle) would produce approximately 350,000 cubic yards of material. The impacts to manatees would be mitigated by the implementation of the standard manatee protection conditions (Appendix II). Seagrass impacts would be avoided by requiring special conditions to prevent contact with the seagrass beds and to minimize turbidity levels at the edge of the seagrasses.

2.4.4 Dredging and Inlet Placement (Site B).

The project consists of the maintenance dredging of the Clearwater Pass. The material would be placed on the beach south of the Pass on the GIWW side of the barrier island. Each dredging occurrence (3-year cycle) would produce approximately 350,000 cubic yards of material. The impacts to manatees would be mitigated by the implementation of the standard manatee protection conditions (Appendix II). Seagrass impacts would be avoided by requiring special conditions to prevent contact with the seagrass beds and to minimize turbidity levels at the edge of the seagrasses.

2.4.5 Dredging and Island Restoration (Sites E and F).

The project consists of the maintenance dredging of the Clearwater Pass. The material would be placed on two former disposal islands created from the construction of the Gulf Intracoastal Waterway. This would be a one-time placement of up to 350,000 cubic yards of material. The impacts to manatees would be mitigated by the implementation of the standard manatee protection conditions (Appendix II). Seagrass impacts would be avoided by requiring special conditions to prevent contact with the seagrass beds and to minimize turbidity levels at the edge of the seagrasses.

2.5 PREFERRED ALTERNATIVE.

The preferred alternative would be to maintain the existing channel and place the material on the beach.

Table 2.1, Alternative Comparison

RESOURCES	NO ACTION	DREDGING AND BEACH PLACEMENT	DREDGING AND NEAR-SHORE PLACEMENT	DREDGING AND INLET PLACEMENT	DREDGING AND ISLAND RESTORATION
Water Quality	Minor long-term impact from vessels resuspending silty channel material.	Minor short-term adverse impact from turbidity generated at the dredging site and along the beach in the surf zone during placement. Impacts would meet State standards in the Water Quality Certificate.	Minor short-term adverse impact from turbidity generated at the dredging site and along the beach in the surf zone during placement. Impacts would meet State standards in the Water Quality Certificate.	Minor short-term adverse impact from turbidity generated at the dredging site and along the beach in the surf zone during placement. Impacts would meet State standards in the Water Quality Certificate.	Minor short-term adverse impact from turbidity generated at the dredging site and along the beach in the surf zone during placement. Impacts would meet State standards in the Water Quality Certificate.
Benthos	No impact	Benthos would be temporarily removed at the dredging site and covered at the placement area. Organisms would quickly recolonize the areas.	Benthos would be temporarily removed at the dredging site and covered at the placement area. Organisms would quickly recolonize the areas.	Benthos would be temporarily removed at the dredging site and covered at the placement area. Organisms would quickly recolonize the areas.	Benthos would be temporarily removed at the dredging site and covered at the placement area. Organisms would quickly recolonize the areas.
Manatees	No impact.	Minor adverse impact from presence and operation of dredging equipment. Impacts fully mitigated by the implementation of the Standard State and federal protection conditions. A dedicated observer will be used to monitor and video-tape manatee movements in and around dredging and placement.	Minor adverse impact from presence and operation of dredging equipment. Impacts fully mitigated by the implementation of the Standard State and federal protection conditions. A dedicated observer will be used to monitor and video-tape manatee movements in and around dredging and placement.	Minor adverse impact from presence and operation of dredging equipment. Impacts fully mitigated by the implementation of the Standard State and federal protection conditions. A dedicated observer will be used to monitor and video-tape manatee movements in and around dredging and placement.	Minor adverse impact from presence and operation of dredging equipment. Impacts fully mitigated by the implementation of the Standard State and federal protection conditions. A dedicated observer will be used to monitor and video-tape manatee movements in and around dredging and placement.
Tidal Flats	No impact.	No impact	No impact	No impact	Long-term benefit to birds and shell fish by enlarging the tidal flats around the islands.
Seagrass	No impact..	No impact. Restrictions will be placed on construction activities to avoid seagrass areas.	No impact. Restrictions will be placed on construction activities to avoid seagrass areas.	No impact. Restrictions will be placed on construction activities to avoid seagrass areas.	No impact. Restrictions will be placed on construction activities to avoid seagrass areas.
Sea Turtles	No impacts	Minor-short term impact on turtle nesting if work occurs during nesting season 1 March - 30 November. Impacts mitigated by implementing nest monitoring and relocation program. Compaction testing and escarpment monitoring after construction for 3 year period.	No impact.	No impact	No impact.

RESOURCES	NO ACTION	DREDGING AND BEACH PLACEMENT	DREDGING AND NEAR-SHORE PLACEMENT	DREDGING AND INLET PLACEMENT	DREDGING AND ISLAND RESTORATION
Migratory Birds	No impact.	No impact	No impact	No impact	Long-term benefit to migratory birds by increasing nesting and loafing habitat in the area.
Historic Properties	No adverse effect.	No adverse effect.	No adverse effect.	No adverse effect.	No adverse effect.
Recreation	Minor long-term reduction in recreational boat operation from loss of depths	Medium-short term impact on beach recreational activities from presence and operation of construction equipment on the beach. Additional recreation opportunities from shell collecting, swimming, jet skiing, and sunbathing on the beach after placement.	No impact	Medium-short term impact on beach recreational activities from presence and operation of construction equipment on the beach. Additional recreation opportunities from shell collecting on the beach after placement.	Increased recreational opportunities from bird watching and picnicking
Aesthetics	No impact.	Minor short-term impact from the presence and operation of construction equipment	Minor short-term impact from the presence and operation of construction equipment	Minor short-term impact from the presence and operation of construction equipment	Minor short-term impact from the presence and operation of construction equipment
Economics	Long-term loss of revenue from decreased cargo-handling capability.	Medium short-term impact on the local economy from the sale of goods and services in support of the construction.	Medium short-term impact on the local economy from the sale of goods and services in support of the construction.	Medium short-term impact on the local economy from the sale of goods and services in support of the construction.	Medium short-term impact on the local economy from the sale of goods and services in support of the construction.
Navigation	Long term adverse safety impact from loss of navigable capacity of the channel	Medium long-term benefit by keeping the navigable capacity of the channel open for recreational, commercial excursion and charter fishing boats.	Medium long-term benefit by keeping the navigable capacity of the channel open for recreational, commercial excursion and charter fishing boats.	Medium long-term benefit by keeping the navigable capacity of the channel open for recreational, commercial excursion and charter fishing boats.	Medium long-term benefit by keeping the navigable capacity of the channel open for recreational, commercial excursion and charter fishing boats.

3. AFFECTED ENVIRONMENT.

3.1 INTRODUCTION.

The Affected Environment section succinctly describes the existing environmental resources of the areas that would be affected if any of the alternatives were implemented. This section describes only those environmental resources that are relevant to the decision to be made. It does not describe the entire existing environment, but only those environmental resources that would affect or that would be affected by the alternatives if they were implemented. This section, in conjunction with the description of the "no-action" alternative forms the base line conditions for determining the environmental impacts of the proposed action and reasonable alternatives. The environmental issues that are relevant to the decision to be made are the following:

- a. Water quality.
- b. Benthos
- c. Manatees.
- d. Tidal Flats
- e. Seagrass
- f. Migratory Birds
- g. Sea Turtles
- h. Historic Properties.
- i. Recreation.
- j. Aesthetics.
- k. Economics.
- l. Navigation

3.2 GENERAL DESCRIPTION.

Clearwater Pass is located in Pinellas County and is part of the Gulf Intracoastal Waterway from Caloosahatchee River to Anclote River. The federal objective of this project is to maintain the waterway for navigation (Figure 1). Designated reaches of the project would be dredged and material would be placed on a beach in the vicinity of the project. The local sponsor for this project is the City of Clearwater, which is responsible for maintenance of placement areas for lands, easements, right-of-ways, relocations, and disposal areas. The USACE is responsible for maintenance of the waterway.

3.3 RELEVANT ISSUES.

3.3.1 Physical.

- a. Water quality. The Gulf of Mexico flushes this estuarine environment. The Gulf is relative clean and light penetration allows the growth of seagrasses in the inlet. Away from the inlet are numerous surface water drainage outfalls. These outfalls drain streets and lawns from the City of Clearwater. Numerous residential areas line the GIWW. The

area is used for fishing and recreational water useage. Water quality along the beaches is also relatively good because of the minimum amount of wind and wave action.

3.3.2 Biological.

- a. Benthos. The beach littoral zone is inhabited by species of polychaete worms, sand bugs, isopods, amphipods, mole crabs and coquina clams. Organisms common to the sublittoral. zone include sand dollars, sea urchins, pelecypod mollusks, sea hares, spider crabs, hermit crabs, various species of shrimp and several gastropod mollusk species.
- b. Seagrass. Numerous seagrass beds have been identified by the Bureau of Protected Species Management (BPSM), Florida Marine Research Institute (FMRI) and SWFWMD in the vicinity of the project area. Species occurring within the mapped areas include *Halodule wrightii* (shoal grass) and *Thalassia testudinum* (turtle grass) with scattered *Halophola decipiens* and *Halophila englemannii* (star grass). No known beds of *Halophila johnsonii* have been identified in the project area by SWFWMD.
- c. Tidal Flats. Tidal flats are have been identified in the vicinity of the project area by SWFWMD and are associated with existing seagrass beds or shoals.
- d. Hardbottom. Data search did not identify any hardbottom habitats within the project boundaries. (SWFWMD, BPSM).
- e. Bird Habitat and Nesting. Bird nesting areas were identified by the Audubon Society on Island 25 (located south of the causeway, west of the intracoastal waterway, and northeast of the Clearwater Pass bridge) and Sand Key Park. The U.S. Fish and Wildlife Service (USFWS) service concurred with the data obtained from the Audubon Society. Species observed in 1999 by the Audubon Society utilizing the island included *Ardea herodias* (great blue heron), *Egretta caerulea* (little blue heron), *Egretta tricolor* (tricolor heron), *Casmerodius albus* (great egret), *Egretta thula* (snowy egret), *Egretta rufescens* (reddish egret), *Nycticorax nycticorax* (black crowned night heron), *Eudocimus albus* (white ibis), *Ajaia ajaja* (roseate spoonbill), *Recurvirostra americana* (American oystercatcher), *Rynchops niger* (black skimmer), *Pelecanus occidentalis* (brown pelican), *Mycteria Americana* (wood stork), *Sterna antillarum* (least tern), *Phalacrocorax auritus* (double-breasted cormorant), *Larus atricilla* (laughing gull), and *Catharties aura* (turkey vulture). *Rynchops niger* (black skimmer) was the only species observed in 1999 by the Audubon Society in Sand Key Park.

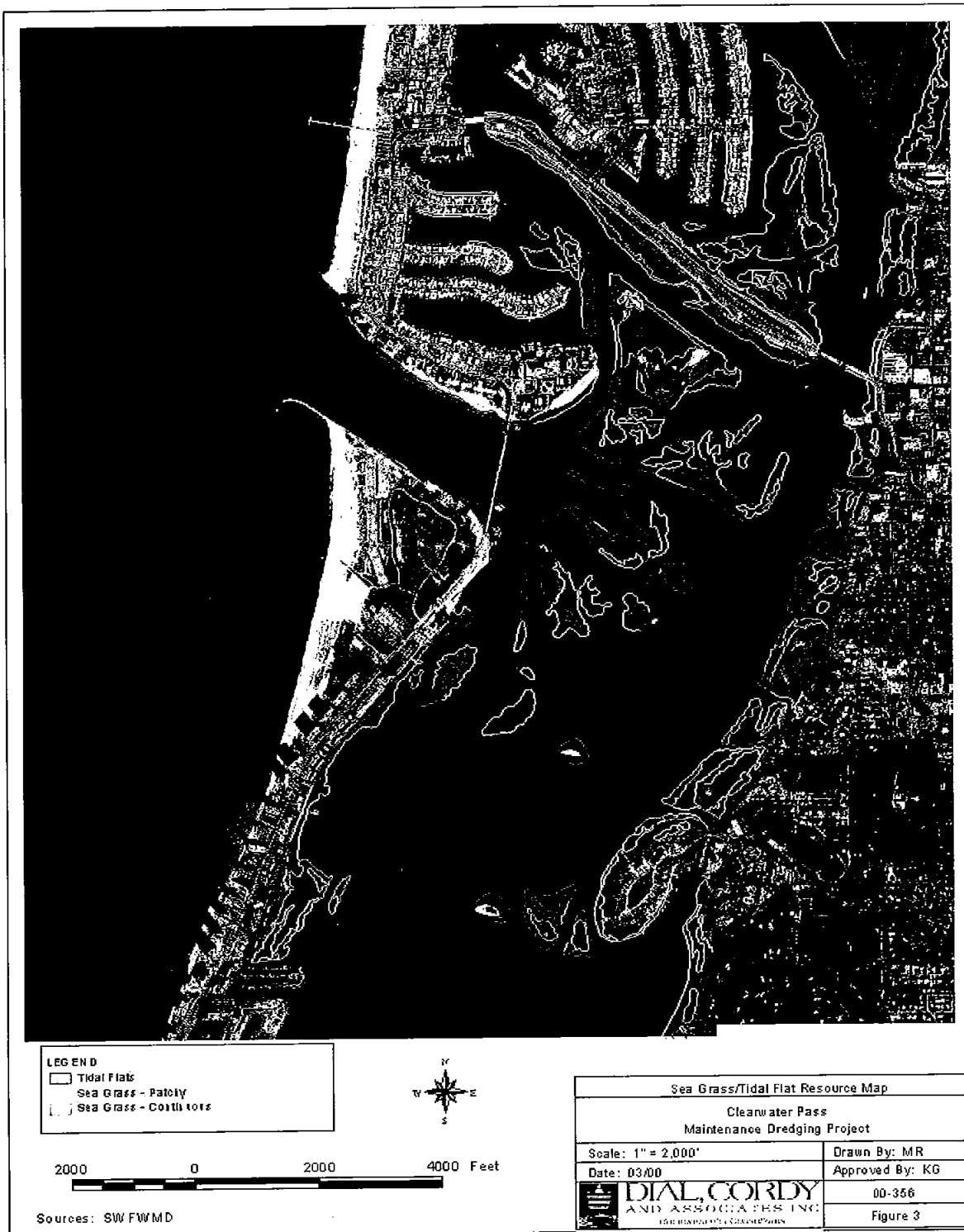


Figure 3, Seagrass Map

- f. Manatee. Utilization of Clearwater Pass by *Trichechus manatus latirostris* (West Indian manatee) was identified by Pinellas County, Department of Environmental Management. However, this data was based on passive visual observations by local residents and has not been formally confirmed. BPSM data records did not indicate manatee utilization of Clearwater Pass.
- g. Turtle Nesting. Clearwater Marine Aquarium has identified ***Caretta caretta*** (*loggerhead sea turtle*) nesting areas on the Gulf beach, south of Clearwater Pass. No known nesting sites occur within the dredging limits of the project. However, loggerhead turtles do utilize the project vicinity for mating during spring months.

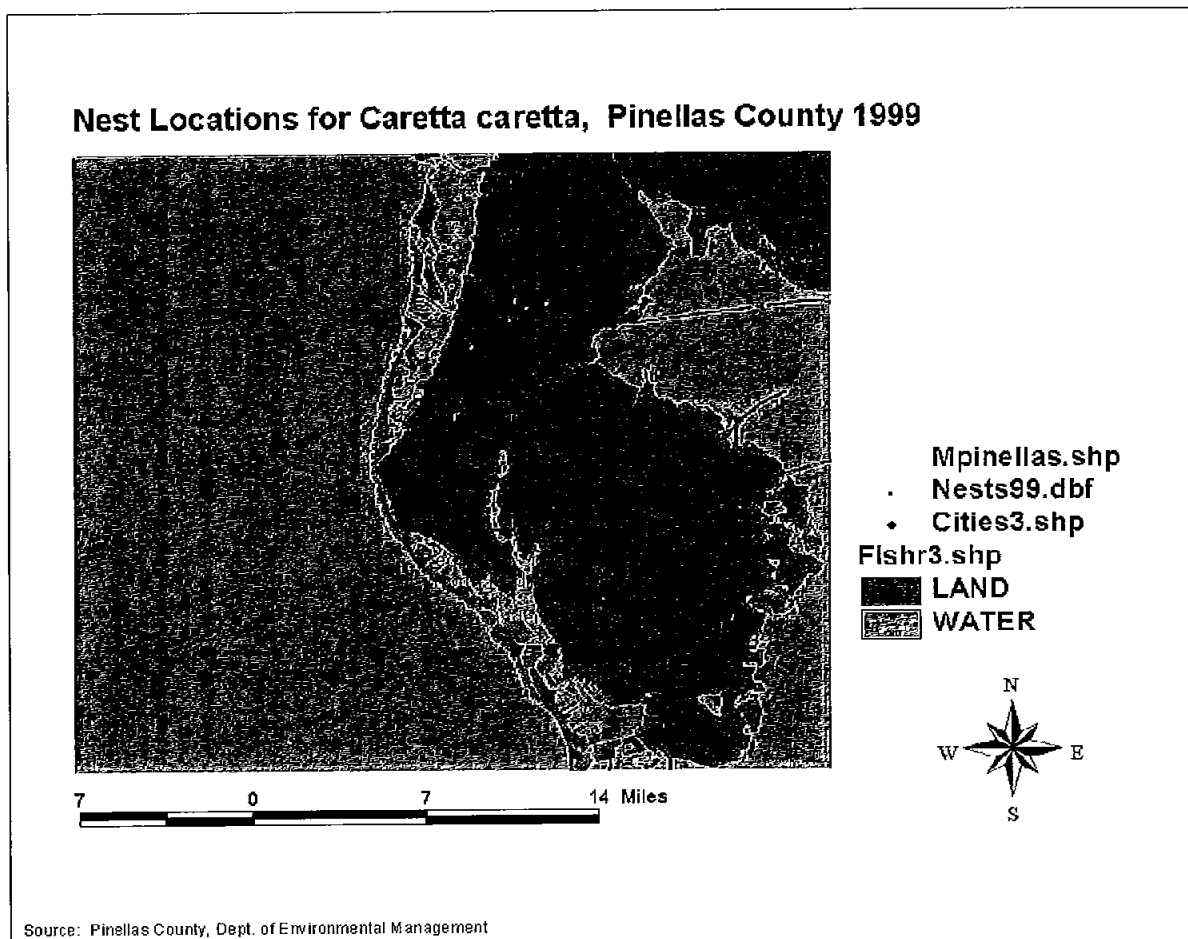


Figure 4, Sea Turtle Nesting Map

- h. Other Saltwater Resources. No other saltwater resources were identified by the data base review.

3.3.3 Social.

- a. **Historic Properties.** An archival and literature review, including a review of the current National Register of Historic Places listing and consultation with the Florida State Historic Preservation Officer (SHPO), was conducted to determine if significant cultural resources are present in the project area. No significant archeological sites or historic properties are recorded in the State Master File for the project area. A remote sensing survey was conducted in January 1997 and diver evaluations of targets were completed in March 1997.
- b. **Recreation.** Recreational vessels use this channel to transit to and from various mooring facilities throughout the Gulf Intracoastal Waterway (GIWW) and the Gulf of Mexico or other recreational parts of the GIWW. The beach placement areas provide recreational opportunities for tourism and the local community.
- c. **Aesthetics.** The aesthetics of the dredging area is a mix of recreational, residential and commercial dwellings. The terminus of the project is located at a public launching ramp and dock. The channel connects with the Gulf Intracoastal Waterway. The GIWW is used by boats to travel up and down the Gulf Coast of Florida and access to the Gulf of Mexico.

3.3.4 Economics.

- a. **Navigation.** The navigation channel allows for recreational transportation. Marinas also line the channel around the Pass.
- b. **Economics.** This area of the Gulf is heavily used for tourism. A part of this is the use of the beaches by hotels and public access at community parks. Another facet of recreation is boating which uses the Pass and the Gulf Intracoastal Waterway. Marinas also generate local revenues.

4. ENVIRONMENTAL CONSEQUENCES.

4.1. INTRODUCTION.

This section describes the probable consequences of implementing each alternative on selected environmental resources. These resources are directly linked to the relevant issues listed in Section 1.4 that have driven and focus the environmental analysis. The following includes anticipated changes to the existing environment including direct and indirect impacts, irreversible and irretrievable commitment of resources, unavoidable effects and cumulative impacts.

4.1.1 Cumulative Impacts.

Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions (40 CFR 1508.7).

4.1.2 Irreversible and Irretrievable Commitment of Resources.

a. Irreversible. An irreversible commitment of resources is one in which the ability to use and/or enjoy the resource is lost forever. One example of an irreversible commitment might be the mining of a mineral resource.

b. Irretrievable. An irretrievable commitment of resources is one in which, due to decisions to manage the resource for another purpose, opportunities to use or enjoy the resource as they presently exist are lost for a period of time. An example of an irretrievable loss might be where a type of vegetation is lost due to road construction.

4.2 NO ACTION ALTERNATIVE

4.2.1 Physical.

a. Water quality. There would a minor long-term impact from not maintaining the channel. This would occur as a result of vessels coming in contact with the silty bottom and resuspending it into the water column.

4.2.2 Biological

- a. Benthos. There would be no impact on this resource.
- b. Manatees. There would be no impact on this resource
- c. Fisheries. There would be no impact on this resource.
- d. Seagrass. There would be no impact on this resource.
- e. Migratory Birds. There would be no impact on this resource.

4.2.3 Social.

- a. Historic Properties. There would be no affect on historic properties included in or eligible for inclusion in the National Register of Historic Places.
- b. Recreation. There would be a reduction in the recreational navigation capacity of the channel.
- c. Aesthetics. There would be no impact on this resource.

4.2.4 Economic.

- a. Navigation. There would be a long-term adverse impact on the navigable capacity of the channel from sedimentation.
- b. Economics. There would be a loss of revenues from not keeping pace with growth potential by increasing channel navigability or maintaining the existing channel.

4.2.5 Cumulative effects.

If this action was considered in conjunction with other similar projects and similar No Actions, there would be no cumulative adverse impact.

4.2.6 Unavoidable effects.

There would be no unavoidable affects.

4.2.7 Irreversible and Irretrievable Resource Commitments.

There would be no irreversible or irretrievable commitment of resources from the selection of this alternative.

4.3 DREDGING AND BEACH PLACEMENT (Site A)

4.3.1 Physical.

- a. Water quality. There would be a minor short-term increase in turbidity at the dredging and from the return water at the placement site.

4.3.2 Biological

- a. Benthos. The benthic organisms at the dredging site would be eliminated. This area would be rapidly recolonized by the organisms that can be moved by tidal flows from adjacent areas. Crustaceans and clams would take longer to re-enter the area.
- b. Manatees. The auxiliary vessels associated with the dredging operation could impact manatees. In order to reduce this impact, the standard state and Federal manatee protection conditions would be implemented. Included in these conditions are an education requirement, monitoring and avoidance of manatees. This avoidance includes a requirement to shutdown equipment should individuals come close to the equipment.
- c. Fisheries. There would be no adverse impact on fisheries.
- d. Seagrass. Dredging would not impact seagrass beds. Turbidity levels at the edge of the beds would be monitored to protect seagrasses.

- e. Migratory Birds. Migratory bird nesting could be affected at the beach placement area. In order to offset this affect, a monitoring program would be established and buffer zone created around the nesting sites during nesting season (Feb-Aug).

4.3.3 Social.

- a. Historic Properties. As discussed in section 3.3.3.a. of this document, no significant historic properties are known to exist in the disposal area. This alternative would have no effect on resources included in or eligible for inclusion in the National Register of Historic Places.
- b. Recreation. There would be a short-term minor impact on recreational navigation from the presence and operation of the dredging equipment in the navigation channel. There would be a long-term benefit to beach recreation from the retardation of erosion at the site.
- c. Aesthetics. There would be a short-term degradation of the aesthetics of the navigation channel from the presence and the noise from the operation of heavy equipment and a disruption of the seascape.

4.3.4 Economic.

- a. Navigation. There would be a long-term major benefit from the continued maintenance on the navigable capacity. There would be a short-term disruption to commercial navigation from the presence and operation of dredging equipment.
- b. Economics. There would be a medium, short-term benefit to the local economy from the sale of goods and services in support of the construction effort. There would be a long-term benefit on the economics of the area from the maintenance of recreational boats handling capacity of the channel and from the increased recreational beach opportunities.

4.3.5 Cumulative effects.

If this action was considered in conjunction with other related past, present, and reasonably foreseeable future projects, there would be only minor cumulative effects.

4.3.6 Unavoidable effects.

There would be localized turbidity at both the dredging site and the placement area and disruption of commercial navigation in the channel.

4.3.7 Irreversible and Irretrievable Resource Commitments.

There would be no irreversible or irretrievable commitment of resources from the selection of this alternative.

4.4 DREDGING AND NEAR-SHORE PLACEMENT (Sites C and D)

4.4.1 Physical.

- a. Water quality. There would be a minor short-term increase in turbidity at the dredging.

4.4.2 Biological

- a. Benthos. The benthic organisms at the dredging site would be eliminated. This area would be rapidly recolonized by the organisms that can be moved by tidal flows from adjacent areas. Crustaceans and clams would take longer to re-enter the area.
- b. Manatees. The auxiliary vessels associated with the dredging operation could impact manatees. In order to reduce this impact, the standard state and Federal manatee protection conditions would be implemented. Included in these conditions are an education requirement, monitoring and avoidance of manatees. This avoidance includes a requirement to shutdown equipment should individuals come close to the equipment.
- c. Fisheries. There would be no adverse impact on fisheries.
- d. Seagrass. Dredging would not impact seagrass beds. Turbidity levels at the edge of the beds would be monitored to protect seagrasses.
- e. Migratory Birds. There would be no impact on migratory birds from this alternative.

4.4.3 Social.

- a. Historic Properties. As discussed in section 3.3.3.a. of this document, no significant historic properties are known to exist in the disposal area. This alternative would have no effect on resources included in or eligible for inclusion in the National Register of Historic Places.
- b. Recreation. There would be a short-term minor impact on recreational navigation from the presence and operation of the dredging equipment in the navigation channel.
- c. Aesthetics. There would be a short-term degradation of the aesthetics of the navigation channel and placement site from the presence and the noise from the operation of heavy equipment and a disruption of the seascape.

4.4.4 Economic.

- a. Navigation. There would be a long-term major benefit from the continued maintenance on the navigable capacity. There would be a short-term disruption to commercial navigation from the presence and operation of dredging equipment.
- b. Economics. There would be a medium, short-term benefit to the local economy from the sale of goods and services in support of the construction effort. There would be a

long-term benefit on the economics of the area from the maintenance of recreational boats handling capacity of the channel.

4.4.5 Cumulative effects.

If this action was considered in conjunction with other related past, present, and reasonably foreseeable future projects, there would be only minor cumulative effects.

4.4.6 Unavoidable effects.

There would be localized turbidity at both the dredging site and the placement area and disruption of commercial navigation in the channel.

4.4.7 Irreversible and Irretrievable Resource Commitments.

There would be no irreversible or irretrievable commitment of resources from the selection of this alternative.

4.5 DREDGING AND INLET PLACEMENT (Site B)

4.5.1 Physical.

- a. Water quality. There would be a minor short-term increase in turbidity at the dredging.

4.5.2 Biological

- a. Benthos. The benthic organisms at the dredging site would be eliminated. This area would be rapidly recolonized by the organisms that can be moved by tidal flows from adjacent areas. Crustaceans and clams would take longer to re-enter the area.
- b. Manatees. The auxiliary vessels associated with the dredging operation could impact manatees. In order to reduce this impact, the standard state and Federal manatee protection conditions would be implemented. Included in these conditions are an education requirement, monitoring and avoidance of manatees. This avoidance includes a requirement to shutdown equipment should individuals come close to the equipment.
- c. Fisheries. There would be no adverse impact on fisheries.
- d. Seagrass. Dredging would not impact seagrass beds. Turbidity levels at the edge of the beds would be monitored to protect seagrasses.
- e. Migratory Birds. Migratory bird nesting could be affected at the beach placement area. In order to offset this affect, a monitoring program would be established and buffer zone created around the nesting sites during nesting season (Feb-Aug).

4.5.3 Social.

- a. Historic Properties. As discussed in section 3.3.3.a. of this document, no significant historic properties are known to exist in the disposal area. This alternative would

have no effect on resources included in or eligible for inclusion in the National Register of Historic Places.

- b. Recreation. There would be a short-term minor impact on recreational navigation from the presence and operation of the dredging equipment in the navigation channel.
- c. Aesthetics. There would be a short-term degradation of the aesthetics of the navigation channel and placement site from the presence and the noise from the operation of heavy equipment and a disruption of the seascape.

4.5.4 Economic.

- a. Navigation. There would be a long-term major benefit from the continued maintenance on the navigable capacity. There would be a short-term disruption to commercial navigation from the presence and operation of dredging equipment.
- b. Economics. There would be a medium, short-term benefit to the local economy from the sale of goods and services in support of the construction effort. There would be a long-term benefit on the economics of the area from the maintenance of recreational boats handling capacity of the channel.

4.5.5 Cumulative effects.

If this action was considered in conjunction with other related past, present, and reasonably foreseeable future projects, there would be only minor cumulative effects.

4.5.6 Unavoidable effects.

There would be localized turbidity at both the dredging site and the placement area and disruption of commercial navigation in the channel.

4.5.7 Irreversible and Irretrievable Resource Commitments.

There would be no irreversible or irretrievable commitment of resources from the selection of this alternative.

4.6 DREDGING AND ISLAND RESTORATION (Sites E and F)

4.6.1 Physical.

- a. Water quality. There would be a minor short-term increase in turbidity at the dredging and placement sites. Seagrass beds would be protected in the area by use of turbidity curtains. The State water quality standards would be met.

4.6.2 Biological

- a. Benthos. The benthic organisms at the dredging site would be eliminated and placed at the placement site. The organisms at the placement site would be covered by those organisms from the dredging site. This area would be rapidly recolonized by the

organisms that can be moved by tidal flows from adjacent areas. Crustaceans and clams would take longer to re-enter the area.

- b. Manatees. The auxiliary vessels associated with the dredging operation could impact manatees. In order to reduce this impact, the standard state and Federal manatee protection conditions would be implemented. Included in these conditions are an education requirement, monitoring and avoidance of manatees. This avoidance includes a requirement to shutdown equipment should individuals come close to the equipment.
- c. Fisheries. There would be no adverse impact on fisheries.
- d. Seagrass. Dredging would not impact seagrass beds. Turbidity levels at the edge of the beds would be monitored to protect seagrasses.
- e. Migratory Birds. Migratory bird nesting could be affected at the island placement areas. In order to offset this affect, a monitoring program would be established and buffer zone created around the nesting sites during nesting season (Feb-Aug). There would also be a long-term benefit to shore birds at this site by providing loafing, feeding and possibly nesting areas for certain species.

4.6.3 Social.

- a. Historic Properties. As discussed in section 3.3.3.a. of this document, no significant historic properties are known to exist in the disposal area. This alternative would have no effect on resources included in or eligible for inclusion in the National Register of Historic Places.
- b. Recreation. There would be a short-term minor impact on recreational navigation from the presence and operation of the dredging equipment in the navigation channel.
- c. Aesthetics. There would be a short-term degradation of the aesthetics of the navigation channel from the presence and the noise from the operation of heavy equipment and a disruption of the seascape.

4.6.4 Economic.

- a. Navigation. There would be a long-term major benefit from the continued maintenance on the navigable capacity. There would be a short-term disruption to commercial navigation from the presence and operation of dredging equipment.
- b. Economics. There would be a medium, short-term benefit to the local economy from the sale of goods and services in support of the construction effort. There would be a long-term benefit on the economics of the area from the maintenance of recreational boats handling capacity of the channel.

4.6.5 Cumulative effects.

If this action was considered in conjunction with other related past, present, and reasonably foreseeable future projects, there would be only minor cumulative effects.

4.6.6 Unavoidable effects.

There would be localized turbidity at both the dredging site and the placement area and disruption of commercial navigation in the channel.

4.6.7 Irreversible and Irretrievable Resource Commitments.

There would be no irreversible or irretrievable commitment of resources from the selection of this alternative.

5. LIST OF PREPARERS.

The following professionals prepared the Environmental Assessment.

<u>NAME</u>	<u>DISCIPLINE</u>	<u>EXPERIENCE</u>	<u>ROLE IN PREPARING EIS</u>
William J. Fonferek	Biologist	25 years environmental impacts assessment	NEPA Coordinator, Biological Impact Assessment, Endangered Species Consultation
Tim Murphy	Civil Engineer	8 years experience	Project Manager
Tommy Birchett	Archeologist	20 years historic property management and assessment	Historic Property Analysis and Assessment
Glen Schuster	Environmental Engineer	21 years	Water Quality Investigations and Impact Assessment

6. CONSULTATION WITH OTHERS - PUBLIC INVOLVEMENT PROCESS.

6.1 PUBLIC NOTICE.

A public notice (PN-CO-CLW-252A) was published on July 30, 2001 advertising the proposed work and inviting public input.

6.2 Florida Division of Historical Resources

The Florida Division of Historical Resources responded to the public notice by letter dated June 15, 2001, stating that their records show that they sent us a letter dated June 24, 1991, indicating no further cultural resource investigations were required and that they maintain this determination.

6.3 Florida Fish and Wildlife Conservation Commission

The Florida Fish and Wildlife Conservation Commission responded by letter dated August 29, 2001, stating:

- For fills placed on the nesting beach, the construction template should approximate that of the native beach, with a steeper subtidal and intertidal zone and a gentle slope above the MHW.

RESPONSE: The beach at Site A, is not a sea turtle nesting beach. The area is subject to wind and wave action and during high tide little beach is available. The hotels are immediately adjacent to this area and sea turtles would find this area unsuitable due to the presence of humans, light and noise. Site B is located in the GIWW and would also not be used by sea turtles. Therefore, no template would be used at these sites.

- Placement of fill in the near-shore zone can also impact marine turtles (refers to creating inter-tidal zones).

RESPONSE: The material would be placed in a near-shore area in depths 8 to 12 feet MLLW. No dredged material would be visible during low tides and sea turtles would have unimpeded access to the shoreline. The material would be placed using the small hopper dredge Currituck that requires deeper drafts to place the material.

- Florida law requires that the fill material placed on the beach be similar in composition and size to the native beach and suitable for marine turtle nesting. Data would be provided to the State prior to dredging to verify this.

RESPONSE: This will be accomplished prior to dredging and beach placement. The material in question is historically well washed sand from the littoral drift zone of the beach.

- All Biological Opinions two years and older should be updated through consultation with the appropriate agencies.

RESPONSE: It is the obligation of the Federal action agency to determine if consultation is necessary. If no new circumstances have occurred since ESA consultation has occurred, the Federal action agency has no obligation to re-consult. The NMFS or the USFWS can re-consult if they believe additional measures are necessary to preserve the species. The Corps has informally consulted with these agencies and has continually upgraded the conditions used in the construction plans and specifications to afford the greatest protection. We have re-initiated consultation via our public notice and have informally asked that the USFWS amend the BO for the Sand Key Beach Nourishment Project to include the two areas on the beach where sand would be placed even though we believe that these are not nesting areas.

6.4 National Marine Fisheries Service (NMFS)

The NMFS responded to the public notice by letter dated August 29, 2001, stating it had previously responded to Public Notice PN-CO-CLW-252 stating it had recommended avoiding seagrass impacts and was satisfied that modifications had been adopted. NMFS expressed concerns over expanding disposal islands recommended by the Audubon Society being opposed to conversion of aquatic habitats. It also stated that more details be coordinated regarding size and elevations.

RESPONSE: The expansion of the islands was the idea of the Audubon Society to increase the amount of bird habitat in the area. The Florida Department of Environmental Protection Aquatic Preserve has also recommended this plan. However, confusion over the acceptability of this plan has caused a delay in making this acceptable to the State. It has been removed from the water quality certification application, but will be reconsidered at a later date.

6.5 Florida Department of Community Affairs (DCA)

The DCA acting as the Florida State Clearinghouse responded to the public notice by letter dated August 22, 2001, stating that the project was consistent with the Florida Coastal management Program and that the Corps is to fully comply with the condition identified by the Florida Fish and Wildlife Conservation condition in their June 4, 2001, letter.

RESPONSE: We will adhere to these recommendations on sea turtle nesting beaches.

6.6 Florida Department of Community Affairs (DCA)

The DCA acting as the Florida State Clearinghouse responded to our public notice by letter dated November 20, 2001, stating that the project was in compliance at this stage of the process. The DCA stated that the Florida Department of Environmental Protection stated that it could not provide concurrence in the consistency determination at this time. Potential impacts are being address in the application for a Joint Coastal Permit that is currently under review. The Tampa Bay Regional Planning Council notes that the project is regionally significant and consistent with the goals, objectives and policies. The DCA stated that the Corps is required to provide an

Environmental Assessment (EA) to the Florida State Clearinghouse for the project and fully comply with the conditions identified by DEP during permit processing.

RESPONSE: We will provide a copy of the EA once the Findings of No Significant Impact is signed. The normal procedure for review of Operations and Maintenance activities is through coordination of the public notice. We will comply with the DEP water quality conditions in the certificate.

6.7 The Florida Division of Historical Resources

The Florida Division of Historical Resources responded by letter dated June 15, 2001, stating that it had issued a letter dated June 24, 1991, stating that no further investigations would be required and that they maintained that determination.

7. COMMITMENTS

7.1. The standard State and Federal manatee protection conditions would be implemented.

7.2. State water quality standards would be met.

7.3. The District Migratory Bird Protection Policy would be implemented.

7.4. Seagrass protection measures would be implemented.

7.5. If materials are to be placed on sea turtle nesting beaches, the beach profile would be designed to be "turtle friendly".

7.6. A sea turtle nest monitoring and nest relocation program would be implemented during the nesting season April 1st through September 30th.

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APPENDIX I

SECTION 404(B)(1) EVALUATION

NEARSHORE PLACEMENT SECTION 404(b)(1) EVALUATION DREDGED MATERIAL

I. Project Description

- a. Location. Clearwater Pass, Pinellas County, Florida.
- b. General Description. The Corps is proposing to place dredged material from the maintenance of Clearwater Pass in the nearshore areas located north and south of the Pass.
- c. Authority and Purpose. The project was authorized by House Document 293, 86th Congress, 2nd Session dated July 14, 1960. Since the initial maintenance, sand and sediments have periodically accumulated in the channel reducing the navigable capacity of the project. The navigation channel is used by recreational vessels. The channel depths are reduced by sedimentation. In order to maintain the Federal standard, the channel must be dredged..
- d. General Description of Dredged or Fill Material
 - (1) General Characteristics of Material. The excavated material to be placed would be sandy material that shoaled in the waterway
 - (2) Quantity of Material. Approximately 350,000 cubic yards of dredged material excavated from the navigation entrance channel per dredging cycle.
 - (3) Source of Material. The material will be excavated from Clearwater Pass Navigation Project.
- e. Description of the Proposed Discharge Site.
 - (1) Size and Location. Each nearshore placement area would be approximately 100' by 1000' located between the 8 and 12-foot mllw marks north and south of the Pass.
 - (2) Type of Site. The placement areas are located in the littoral drift zone.
 - (3) Type of Habitat. The habitat is an area with a sandy bottom.
 - (4) Timing and Duration of Discharge. The dredging cycle would occur approximately every 3 years.

f. Description of Disposal Method. The dredging would be conducted by a hopper dredge.

II. Factual Determinations

a. Physical Substrate Determinations.

(1) Substrate Elevation and Slope. The placement area bottom is relatively flat.

(2) Sediment Type. The bottom is sandy material.

(3) Dredged/Fill Material Movement. The material is being placed in the shoreline/littoral drift area. Movement is expected.

(4) Physical Effects on Benthos. Placement will result in the loss of benthic organisms at the placement site. These communities will reestablish quickly upon completion of work. Disruption of marine life at the placement area will be short term.

(5) Other Effects. Standard manatee construction conditions will be required of all contractors. The work as proposed will not jeopardize protected species. No known historical properties will be affected by this project. The proposed work will result in some temporary disruption of normal vessel traffic in the harbor, but its completion will have a favorable impact on the operation of the port with a resulting beneficial effect on the local and regional economy. Temporary degradation in water quality at the dredging and disposal sites will also occur. Turbidity would be controlled to not impact adjacent seagrass beds. Beach placement of material would affect sea turtle nesting.

(6) Actions Taken to Minimize Impacts. Turbidity curtains could be employed to reduce impacts on seagrass beds. The standard manatee protection conditions would also be employed to reduce potential for impacts.

b. Water Circulation, Fluctuation and Salinity Determinations

(1) Water

(a) Salinity. No impacts to salinity at disposal site.

(b) Water Chemistry. There will be no changes in water chemistry at the site.

(c) Clarity. There will be a temporary increase in turbidity level at the disposal site and immediately adjacent to the disposal area during the disposal operations.

(d) Color. Due to the minor silt content, there will be a brown turbidity plume associated with the discharge operations.

(e) Odor. There would be no odor problems associated with the dredged material since the material contains few organics and would not be exposed to the air.

(f) Taste. Not applicable.

(g) Dissolved Gas Levels..

(h) Nutrients. The material to be discharged is mainly sand with shell fragment, therefore no nutrients would be bound in the material and no release of nutrients would be anticipated.

(i) Eutrophication. No eutrophication is anticipated.

(2) Current Patterns and Circulation. Not applicable.

(3) Normal Water Level Fluctuations. Not applicable.

(4) Salinity Gradients. Not applicable.

(5) Actions That Will Be Taken to Minimize Impacts. The disposal site will be operated to maintain state water quality standards.

d. Suspended Particulate/Turbidity Determinations

(1) Expected Changes in Suspended Particulate and Turbidity Levels in Vicinity of Disposal Site. No changes are anticipated because the dredged material is sandy material containing few fines.

(2) Effects (degree and duration) on Chemical and Physical values

(a) Light penetration. Light penetration would be reduced during disposal operations. This would be short-term in duration and would not cause any significant adverse effects.

(b) Dissolved Oxygen. There would be no reduction in dissolved oxygen

levels from the discharge of the sandy dredged material.

(c) Toxic Metals and Organics. No toxic materials are anticipated to be encountered.

(d) Pathogens. Not Applicable.

(e) Aesthetics. There will be an increase in noise levels and aesthetic degradation from the presence and operation of dredging equipment at the disposal site.

(f) Others as Appropriate. None.

(3) Effects on Biota (consider environmental values in sections 230.21, as appropriate)

(a) Primary Production, Photosynthesis. No photosynthesis occurs at this site.

(b) Suspension/Filter Feeders. Little or no impact is expected.

(c) Sight Feeders. Little or no impact is expected.

(4) Actions taken to Minimize Impacts. None required.

d. Contaminant Determinations. No contaminants have been previously encountered and therefore none are anticipated.

e. Aquatic Ecosystem and Organism Determinations

(1) Effects on Plankton. No significant effects.

(2) Effects on Benthos. No significant benthic populations are located in the disposal site and therefore no significant adverse impacts are anticipated.

(3) Effects on Nekton. None are anticipated.

(4) Effects on Aquatic Food Web. None are anticipated.

(5) Effects on Special Aquatic Sites. No special aquatic sites are located within the disposal site.

- (a) Sanctuaries and Refuges. Not applicable.
- (b) Wetlands. Not applicable.
- (c) Mud Flats. Not applicable.
- (d) Vegetated Shallows. None would be affected.
- (e) Coral Reefs. Not applicable.
- (f) Riffle and Pool Complexes. Not applicable.
- (6) Threatened and Endangered Species. None would be affected.
- (7) Other Wildlife. Not applicable.
- (8) Actions to Minimize Impacts. No actions are necessary.

f. Proposed Disposal Site Determinations

- (1) Mixing Zone Determination. No mixing will likely occur due to the sandy nature of the dredged material, the shallow water and the small quantity of fines associated with the material.
- (2) Determination of Compliance with Applicable Water Quality Standards. Water quality certification has been issued by the State. Monitoring of the discharge site will be conducted to insure State standards met.
- (3) Potential Effects on Human Use Characteristic
 - (a) Municipal and Private Water Supply. Not applicable.
 - (b) Recreational and Commercial Fisheries.
 - (c) Water Related Recreation. Not applicable.
 - (d) Aesthetics. The proposed discharge would increase noise and scenic degradation along the ocean front during disposal operations.
 - (e) Parks, National and Historical Monuments, National Seashores, Wilderness Areas, Research Sites, and Similar Preserves. Not applicable.

g. Determination of Cumulative Effects on the Aquatic Ecosystem..

h. Determination of Secondary Effects on the Aquatic Ecosystem. Not applicable.

**BEACH SITE A
SECTION 404(b)(1) EVALUATION
DREDGED MATERIAL**

I. Project Description

- a. Location. Clearwater Pass, Pinellas County, Florida.
- b. General Description. The Corps is proposing to place dredged material from the maintenance of Clearwater Pass in the nearshore areas located north and south of the Pass.
- c. Authority and Purpose. The project was authorized by House Document 293, 86th Congress, 2nd Session dated July 14, 1960. Since the initial maintenance, sand and sediments have periodically accumulated in the channel reducing the navigable capacity of the project. The navigation channel is used by recreational vessels. The channel depths are reduced by sedimentation. In order to maintain the Federal standard, the channel must be dredged.
- d. General Description of Dredged or Fill Material
 - (1) General Characteristics of Material. The excavated material to be placed would be sandy material that shoaled in the waterway
 - (2) Quantity of Material. Approximately 350,000 cubic yards of dredged material excavated from the navigation entrance channel per dredging cycle.
 - (3) Source of Material. The material will be excavated from Clearwater Pass Navigation Project.
- e. Description of the Proposed Discharge Site.
 - (1) Size and Location. The north beach placement area is approximately 7000' with a 150' wide at the top of the berm. The south beach placement area is 3000' long with a 250' wide berm.
 - (2) Type of Site. The placement areas are beach and surf areas adjacent to the beach.
 - (3) Type of Habitat. The habitat is a surf area with a sandy bottom.
 - (4) Timing and Duration of Discharge. The dredging cycle would occur

approximately every 3 years.

f. Description of Disposal Method. The dredging would likely be conducted by a hydraulic dredge.

II. Factual Determinations

a. Physical Substrate Determinations.

(1) Substrate Elevation and Slope. The placement area bottom is relatively flat..

(2) Sediment Type. The bottom is sandy material..

(3) Dredged/Fill Material Movement. The material is being placed in the shoreline/littoral drift area. Movement is expected.

(4) Physical Effects on Benthos. Placement will result in the loss of benthic organisms at the placement site. These communities will reestablish quickly upon completion of work. Disruption of marine life at the placement area will be short term.

(5) Other Effects. Standard manatee construction conditions will be required of all contractors. The work as proposed will not jeopardize protected species. No known historical properties will be affected by this project. The proposed work will result in some temporary disruption of normal vessel traffic in the harbor, but it's completion will have a favorable impact on the operation of the port with a resulting beneficial effect on the local and regional economy. Temporary degradation in water quality at the dredging and disposal sites will also occur. Turbidity would be controlled to not impact adjacent seagrass beds. Beach placement of material would affect sea turtle nesting. A nest relocation and monitoring program would be implemented during the nesting season 1 March through 30 November. There would also be an escarpment and compaction monitoring program after completion of the project.

(6) Actions Taken to Minimize Impacts. Turbidity curtains could be employed to reduce impacts on seagrass beds. The standard manatee protection conditions would also be employed to reduce potential for impacts.

b. Water Circulation, Fluctuation and Salinity Determinations

(1) Water

(a) Salinity. No impacts to salinity at disposal site.

(b) Water Chemistry. There will be no changes in water chemistry at the site.

(c) Clarity. There will be a temporary increase in turbidity level at the disposal site and immediately adjacent to the disposal area during the disposal operations.

(d) Color. Due to the minor silt content, there will be a brown turbidity plume associated with the discharge operations.

(e) Odor. There would be no odor problems associated with the dredged material since the material contains few organics and would not be exposed to the air.

(f) Taste. Not applicable.

(g) Dissolved Gas Levels..

(h) Nutrients. The material to be discharged is mainly sand with shell fragment, therefore no nutrients would be bound in the material and no release of nutrients would be anticipated.

(i) Eutrophication. No eutrophication is anticipated.

(2) Current Patterns and Circulation. Not applicable.

(3) Normal Water Level Fluctuations. Not applicable.

(4) Salinity Gradients. Not applicable.

(5) Actions That Will Be Taken to Minimize Impacts. The disposal site will be operated to maintain state water quality standards.

d. Suspended Particulate/Turbidity Determinations

(1) Expected Changes in Suspended Particulate and Turbidity Levels in Vicinity of Disposal Site. No changes are anticipated because the dredged material is sandy material containing few fines.

(2) Effects (degree and duration) on Chemical and Physical values

(a) Light penetration. Light penetration would be reduced during disposal operations. This would be short-term in duration and would not cause any significant adverse effects.

(b) Dissolved Oxygen. There would be no reduction in dissolved oxygen levels from the discharge of the sandy dredged material.

(c) Toxic Metals and Organics. No toxic materials are anticipated to be encountered.

(d) Pathogens. Not Applicable.

(e) Aesthetics. There will be an increase in noise levels and aesthetic degradation from the presence and operation of dredging equipment at the disposal site.

(f) Others as Appropriate. None.

(3) Effects on Biota (consider environmental values in sections 230.21, as appropriate)

(a) Primary Production, Photosynthesis. No photosynthesis occurs at this site.

(b) Suspension/Filter Feeders. Little or no impact is expected.

(c) Sight Feeders. Little or no impact is expected.

(4) Actions taken to Minimize Impacts. None required.

d. Contaminant Determinations. No contaminants have been previously encountered and therefore none are anticipated.

e. Aquatic Ecosystem and Organism Determinations

(1) Effects on Plankton. No significant effects.

(2) Effects on Benthos. No significant benthic populations are located in the disposal site and therefore no significant adverse impacts are anticipated.

(3) Effects on Nekton. None are anticipated.

(4) Effects on Aquatic Food Web. None are anticipated.

(5) Effects on Special Aquatic Sites. No special aquatic sites are located within the disposal site.

(a) Sanctuaries and Refuges. Not applicable.

(b) Wetlands. Not applicable.

(c) Mud Flats. Not applicable.

(d) Vegetated Shallows. None would be affected.

(e) Coral Reefs. Not applicable.

(f) Riffle and Pool Complexes. Not applicable.

(6) Threatened and Endangered Species. None would be affected.

(7) Other Wildlife. Not applicable.

(8) Actions to Minimize Impacts. No actions are necessary.

f. Proposed Disposal Site Determinations

(1) Mixing Zone Determination. No mixing will likely occur due to the sandy nature of the dredged material, the shallow water and the small quantity of fines associated with the material.

(2) Determination of Compliance with Applicable Water Quality Standards. Water quality certification has been issued by the State. Monitoring of the discharge site will be conducted to insure State standards met.

(3) Potential Effects on Human Use Characteristic

(a) Municipal and Private Water Supply. Not applicable.

(b) Recreational and Commercial Fisheries.

(c) Water Related Recreation. Not applicable.

(d) Aesthetics. The proposed discharge would increase noise and scenic

degradation along the ocean front during disposal operations.

(e) Parks, National and Historical Monuments, National Seashores, Wilderness Areas, Research Sites, and Similar Preserves. Not applicable.

g. Determination of Cumulative Effects on the Aquatic Ecosystem..

h. Determination of Secondary Effects on the Aquatic Ecosystem. Not applicable.

APPENDIX II

ENDANGERED SPECIES CONSULTATION



United States Department of the Interior

FISH AND WILDLIFE SERVICE

6620 Southpoint Drive, South
Suite 310
Jacksonville, Florida 32216-0912

IN REPLY REFER TO:

MAR 18 1996

Mr. A.J. Salem
Chief, Planning Division
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

FWS Log No: 96-098D

Dear Mr. Salem:

This represents the biological opinion of the U.S. Fish and Wildlife Service (Service) in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*). This biological opinion satisfies the consultation requirements of section 7 (a)(2) of the Act. It does not address the requirements of other environmental statutes, such as the National Environmental Policy Act. A complete administrative record of this consultation is on file in this office.

Consultation history

On November 30, 1991, the Service concluded formal section 7 consultation and issued a biological opinion for this project. On November 15, 1995, the Corps reinitiated section 7 consultation, and determined a may affect for the loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) sea turtles, and no effect for the manatee (*Trichechus manatus latirostris*). The Service concurs with the Corp's determination that this project is not likely to adversely affect the manatee. The Corps stated that the standard manatee construction precautions would be conditions of contract.

BIOLOGICAL OPINION

Description of the proposed action

Project authority for all beach nourishment activities along the Sand Key barrier island was authorized under the River and Harbor Act of 1966, and was extended for 50 years by the Water Resources Development Act of 1986. This includes any nourishment activity which would provide storm protection to residences and infrastructure along Pinellas County barrier

beaches. The current nourishment extends from state markers R-55 to R-72 along the barrier island of Sand Key, and encompasses 3.2 miles from Clearwater Beach to Belleair Beach. Additionally, undetermined erosional hotspots will also be renourished south of Belleair Shores extending south to Indian Shores. Approximately 1.3 million cubic yards of fill will be deposited from the Egmont Channel shoal area for the new nourishment, and another 300 thousand cubic yards will be used for deposition at hotspots south of the project site. The sand/silt composition of the shoal material is approximately four percent, which is within acceptable limits for sea turtle nesting.

Status of the species

The U.S. Fish and Wildlife Service has responsibility for regulating sea turtles when they come ashore to nest. The National Marine Fisheries Service has jurisdiction over sea turtles in the marine environment. For at least two decades, several factors appear to have contributed unevenly but increasingly to the decline of sea turtle populations along the Atlantic coast and in the Gulf of Mexico (National Research Council 1990a). These factors include commercial overutilization of eggs and turtles, incidental catches in commercial fishing operations, increased natural predation on eggs and hatchlings, degradation of nesting habitat by coastal development, and marine pollution and debris.

The reproductive strategy of sea turtles involves producing large numbers of offspring to compensate for the high natural mortality through their first several years of life. However, human perturbations have drastically reduced sea turtle populations from unnatural causes of mortality. Therefore, activities that affect the behavior and/or survivability of turtles on their remaining nesting beaches, particularly the few remaining high density nesting beaches, could have serious ramifications for the continued existence of U.S. populations.

Loggerhead Sea Turtle

The loggerhead sea turtle which was listed as a threatened species on July 28, 1978, nests from Louisiana to Virginia with limited nesting known from Puerto Rico. Within the United States, major nesting concentrations of loggerhead sea turtles are found on the coastal islands of North Carolina, South Carolina, and Georgia and on the Atlantic and Gulf coasts of Florida (Hopkins and Richardson 1984). Total estimated nesting in the Southeast is approximately 50,000 to 70,000 nests per year (National Marine Fisheries Service and U.S. Fish and Wildlife Service 1991b).

Green Sea Turtle

The green sea turtle was listed on July 28, 1978 (endangered for breeding populations in Florida and along the Pacific coast of Mexico and threatened elsewhere). Within the U.S., green turtles nest in small numbers in the U.S. Virgin Islands and Puerto Rico, and in larger numbers along the east coast of Florida, particularly in Brevard, Indian River, St. Lucie,

Martin, Palm Beach, and Broward Counties (National Marine Fisheries Service and U.S. Fish and Wildlife Service 1991a). Nesting also has been documented along the Gulf coast of Florida on Santa Rosa Island (Okaloosa and Escambia Counties) and from Pinellas County through Collier County (A. Meylan, Florida Department of Environmental Protection, in litt., October 17, 1994). Green turtles have been known to nest in Georgia, but only on rare occasions (Georgia Department of Natural Resources, unpubl. data). The green turtle also nests sporadically in North Carolina, where nesting has been reported on Masonboro Island (D. Webster, University of North Carolina, pers. comm., 1993) and Onslow Beach, Camp Lejeune (R. Warren, Camp Lejeune Marine Corps Base, in litt., July 20, 1995).

Environmental baseline

Action Area

The action area, as defined for this opinion, is the 3.2-mile reach of shoreline proposed for beach nourishment.

Status of the Species Within the Action Area

Loggerhead sea turtle nesting in Pinellas County accounts for approximately 0.02 percent of the total loggerhead nesting in Florida. There were 12 loggerhead turtle nests deposited within the project area during the 1994 nesting season.

With reference to green turtles, from 1979 to 1993, there were no nests recorded for Pinellas County. However, during the 1994 season, one nest was documented. Its location, however, is not known.

Manatees are frequently observed throughout the waterways of Pinellas County, in particular during the spring, summer and fall months. It is possible that manatees may be observed within the project area.

Effect of the Action on the Listed Species

Although beach nourishment may increase the potential nesting area, there are significant negative impacts to sea turtles that may result if protective measures are not incorporated during consultation. Nourishment during the nesting season, particularly on or near high density nesting beaches, can cause increased loss of offspring from unnatural mortality and, along with other mortality sources, may significantly impact the long-term survival of the species. For instance, projects conducted during the nesting and hatching season could result in the loss of sea turtles through disruption of adult nesting activity and by burial or crushing of nests or hatchlings. While a nest monitoring and egg relocation program would reduce these impacts, nests may be inadvertently missed or misidentified as false crawls during daily patrols. In addition, nests may be destroyed by operations at night prior to beach patrols being performed. Even under the best of conditions, about 7 percent of the nests can be missed (Schroeder 1994).

Besides the potential for missing nests during a nest relocation program, there is a potential for eggs to be damaged by their movement or for unknown biological mechanisms to be affected. Nest relocation can have adverse impacts on incubation temperature (and hence sex ratios), gas exchange parameters, hydric environment of nests, hatching success, and hatchling emergence (Limpus *et al.* 1979, Ackerman 1980, Parmenter 1980, Mortimer 1982, Nelson and Dickerson 1989). Relocating nests into sands deficient in oxygen or moisture can result in mortality, morbidity, and reduced behavioral competence of hatchlings. In a study of hatching and emergence success of *in situ* and relocated nests at seven sites in Florida, hatching success was lower for relocated nests in five of seven cases by an average of 5.01 percent, and emergence success was lower for relocated nests in all seven cases by an average of 11.67 percent (Florida Marine Research Institute unpubl. data). Finally, relocating nests may concentrate eggs in an area resulting in a greater susceptibility to catastrophic events. Hatchlings released from concentrated areas may be subject to greater predation rates from both land and marine predators.

The placement of pipelines and the use of heavy machinery on the beach during a construction project may also have adverse effects on sea turtles. Even in a construction area that has been completely eroded and is devoid of dry sand, once sand is placed on the beach, turtles will attempt to use it. As a result, pipelines and heavy machinery can create barriers to nesting females emerging from the surf and crawling up the beach, causing a higher incidence of false crawls and unnecessary energy expenditure.

If the sand placed on the beach is different than the existing sand on the beach, there could be adverse impacts on nest site selection, clutch viability, and emergence by hatchlings (Nelson 1988). This impact can be minimized by making sure the nourishment sand matches the existing sand in grain size, shape, structure, moisture content, temperature, color, and density.

Beach compaction and unnatural beach profiles may result from beach nourishment activities and negatively impact sea turtles regardless of the timing of projects. Very fine sand and/or the use of heavy machinery can cause sand compaction on nourished beaches (Nelson *et al.* 1987, Nelson and Dickerson 1988a). Significant reductions in nesting success have been documented on severely compacted nourished beaches (Fletemeyer 1980, Raymond 1984, Nelson and Dickerson 1987, Nelson *et al.* 1987). Sand compaction may increase the length of time required for female sea turtles to excavate nests and thus cause increased physiological stress to the animals (Nelson and Dickerson 1988c).

On hard, nourished beaches, false crawls may occur more frequently than on natural beaches (Nelson *et al.* 1987), also resulting in increased physiological stress to nesting females. These impacts can be minimized by using suitable sand and by tilling the beach after nourishment if the sand becomes compacted. Nelson and Dickerson (1988b) concluded that, in general, beaches nourished from offshore borrow sites are harder than natural beaches, and while some may soften over time through erosion and accretion of sand, others may remain hard for 10 years or more.

On nourished beaches, steep escarpments may develop along their water line interface as they adjust from an unnatural construction profile to a more natural beach profile (Coastal Engineering Research Center 1984, Nelson *et al.* 1987). These escarpments can hamper or prevent access to nesting sites. Researchers have shown that female turtles coming ashore to nest can be discouraged by the formation of an escarpment, leading to situations where they choose marginal or unsuitable nesting areas to deposit eggs (e.g., in front of the escarpments which often results in failure of nests due to tidal inundation). This impact can be minimized by leveling the beach prior to the nesting season.

Another impact to sea turtles is disorientation (loss of bearings) and misorientation (incorrect orientation) of hatchlings from artificial lighting. Visual cues are the primary sea-finding mechanism for hatchlings (Carr and Ogren 1960, Ehrenfeld and Carr 1967, Mrosovsky and Carr 1967, Mrosovsky and Shettleworth 1968, Dickerson and Nelson 1989, Witherington and Bjorndal 1991). Artificial beachfront lighting from buildings and street lights is a well documented cause of hatchling disorientation and misorientation on nesting beaches (Philbosian 1976; Mann 1977; Florida Department of Environmental Protection, unpubl. data). In addition, research has also documented significant reduction in sea turtle nesting activity on beaches illuminated with artificial lights (Witherington 1992).

Construction lights along a project beach and on the dredging vessel may deter females from coming ashore to nest, disorient females trying to return to the surf after a nesting event, interrupt loggerhead and green sea turtle mating since those species copulate in nearshore areas, and disorient and misorient emergent hatchlings from adjacent non-project beaches. Any source of bright lighting can profoundly affect the orientation of hatchlings, both during the crawl from the beach to the ocean and once they begin swimming offshore. Hatchlings attracted to light sources on dredging barges may not only suffer from interference in migration, but may also experience higher probabilities of predation to predatory fishes that are also attracted to the barge lights. This impact could be reduced by using the minimum amount of light necessary (may require shielding) or low pressure sodium lighting during project construction.

This project will create or improve sea turtle nesting habitat, thereby attracting turtles into new areas where they may be impacted by existing artificial lighting. The project may also make the area more attractive to new development, thereby increasing the lighting problem. Impacts from lighting can be reduced by continued implementation and enforcement of the Brevard County (or nearby municipality) beach lighting ordinance during the nesting and hatching season each year.

Future erosion of nesting beaches is a potential indirect effect of nourishment projects on sea turtles. Dredging of sand offshore from a project area has the potential to cause erosion of the newly created beach or other areas on the same or adjacent beaches, which also serve as sea turtle nesting beaches, by creating a sand sink. The remainder of the system responds to this sand sink by providing sand from the beach to attempt to reestablish equilibrium (National Research Council 1990b).

Cumulative Effects

Cumulative effects include the effects of future State, local or private actions that are reasonably certain to occur in the action area considered in this biological opinion. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act.

The Service has considered cumulative effects and determined they do not apply to this project.

Conclusion

After reviewing the current status of the green turtle, and the loggerhead turtles, the environmental baseline for the action area, the effects of the proposed beach nourishment, and the cumulative effects, it is the Service's biological opinion that beach nourishment, as proposed, is not likely to jeopardize the continued existence of the loggerhead and green sea turtles. No critical habitat has been designated for these species; therefore, none will be affected. The Corps anticipates the work to begin in January 1997 and it is possible that the contractor will have to work into the nesting season.

INCIDENTAL TAKE STATEMENT

Sections 4(d) and 9 of the ESA, as amended, prohibit taking (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct) of listed species of fish or wildlife without a special exemption. Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering. Harass is defined as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. Incidental take is any take of listed animal species that results from, but is not the purpose of, carrying out an otherwise lawful activity conducted by the Federal agency or the applicant. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered a prohibited taking provided that such taking is in compliance with the terms and conditions of this incidental take statement.

The measures described below are non-discretionary, and must be implemented by the agency so that they become binding conditions of any grant or permit issued to the applicant, as appropriate, in order for the exemption in section 7(o)(2) to apply. The Corps has a continuing duty to regulate the activity covered by this incidental take statement. If the Corps (1) fails to require the applicant to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to the permit or grant document, and/or (2) fails to retain oversight to ensure compliance with these terms and conditions, the protective coverage of section 7(o)(2) may lapse.

Amount or extent of incidental take

The Service has reviewed the biological information and other information relevant to this action. Based on our review, incidental take is anticipated for all sea turtle nests that may be constructed and eggs that may be deposited and missed by a nest survey and egg relocation program within the boundaries of the proposed project.

Effect of the take

In the accompanying biological opinion, the Service determined that this level of anticipated take is not likely to result in jeopardy to the species or destruction or adverse modification of critical habitat.

Reasonable and prudent measures

The Service believes the following reasonable and prudent measures are necessary and appropriate to minimize take of the loggerhead and green sea turtles.

1. Only beach quality sand suitable for sea turtle nesting, successful incubation, and hatchling emergence shall be used on the project site.
2. If the beach nourishment project will be conducted during the sea turtle nesting season, surveys for nesting sea turtles shall be conducted within the project area, and eggs from all nests laid within the project area shall be relocated.
3. Immediately after completion of the beach nourishment project and prior to the onset of the nesting season for 3 subsequent years, beach compaction shall be monitored, and tilling shall be conducted as required to reduce the likelihood of impacting sea turtle nesting and hatching activities.
4. Immediately after completion of the beach nourishment project and prior to the onset of the nesting season for 3 subsequent years, monitoring shall be conducted to determine if escarpments are present, and escarpments shall be leveled as required to reduce the likelihood of impacting sea turtle nesting and hatching activities.
5. The applicant shall ensure that contractors doing the beach nourishment work fully understand the sea turtle protection measures detailed in this biological opinion.
6. During the sea turtle nesting season, no construction equipment shall be parked on the beach where it could hinder sea turtle nesting activities or hatching activities of relocated nests, and all construction pipes shall be located to minimize impacts to nesting sea turtles.

7. During the sea turtle nesting season, lighting associated with the project shall be minimized to reduce the possibility of disrupting and disorienting nesting and/or hatchling sea turtles.

Terms and conditions

In order to be exempt from the prohibitions of section 9 of the ESA, the Corps must comply with the following terms and conditions, which implement the reasonable and prudent measures described above. These terms and conditions are non-discretionary.

1. All fill material placed shall be sand that is similar to that already existing on the site in both coloration and grain size. All such fill material shall be free of construction debris, rocks, clay, or other foreign matter and shall, in general, not contain greater than 5 percent fines (passing the #200 sieve) and be free of coarse gravel or cobbles.

2. A sea turtle nesting survey and conservation program is required if any portion of the beach nourishment activities occurs between April 1 through September 30. Nesting surveys shall begin 65 days prior to nourishment activities or by April 1, whichever is later. Nesting surveys shall continue through the end of the project or through September 30, whichever is earlier. Nests that may be affected by construction activities shall be relocated per the following requirements.

2a Nest surveys and egg relocations shall only be conducted by personnel with prior experience and training in nest survey and egg relocation procedures. Surveyors shall have a valid Florida Department of Environmental Protection permit. Nest surveys shall be conducted daily between sunrise and 9 a.m. These surveys shall be performed in such a manner so as to ensure that daily movement of the construction activity does not extend into any unsurveyed area.

2b. Only those nests that may be affected by construction activities are required to be relocated. Any nests requiring relocation shall be moved between sunrise and 10 a.m. each day to a nearby self-release beach site in a secure setting where artificial lighting will not interfere with hatchling orientation. Nest relocations in association with construction activities shall not be performed if construction activities are not anticipated to be initiated within 65 days of the date of a nesting event. Nest relocations in association with construction activities shall cease when construction activities no longer threaten nests.

3. Immediately after completion of the beach nourishment project and prior to April 1 of the next three nesting seasons, beach compaction shall be monitored in the area of restoration in accordance with a protocol agreed to by the Service, the State regulatory agency, and the applicant. At a minimum, the protocol provided under 3a and 3b below shall be followed. If required, the area shall be tilled to a depth of 36 inches.

All tilling activity must be completed prior to April 1. If the project is completed during the nesting season, tilling shall not be performed in areas where nests have been left in place or relocated. A report on the results of compaction monitoring shall be submitted to the Service prior to any tilling actions being taken. An annual summary of compaction and the actions taken shall be submitted to the Service. This condition shall be evaluated annually and may be modified if necessary to address sand compaction problems identified during the previous year.

3a. Compaction sampling stations shall be located at 500-foot intervals along the project area. One station shall be at the seaward edge of the dune/bulkhead line (when material is placed in this area); one station shall be midway between the dune line and the high water line (normal wrack line); and one station shall be located just landward of the high water line.

At each station, the cone penetrometer shall be pushed to a depth of 6, 12, and 18 inches three times (three replicates). Material may be removed from the hole if necessary to ensure accurate readings of successive levels of sediment. The penetrometer may need to be reset between pushes, especially if sediment layering exists. Layers of highly compact material may lay over less compact layers. Replicates shall be located as close to each other as possible, without interacting with the previous hole and/or disturbed sediments. The three replicate compaction values for each depth are then averaged to produce final values for each depth at each station. Reports shall include all 27 values for each transect line, and the final 9 averaged compaction values.

3b. If the average value for any depth exceeds 500 psi for any two or more adjacent stations, then that area shall be tilled immediately prior to the sea turtle nesting season. If values exceeding 500 psi are distributed throughout the project area but in no case do those values exist at two adjacent stations at the same depth, then consultation with the Fish and Wildlife Service shall be required to determine if tilling is required. If a few values exceeding 500 psi are present randomly within the project area, tilling shall not be required.

4. Visual surveys for escarpments along the project area shall be made immediately after completion of the beach nourishment project and prior to April 15 of the 3 years following completion of the project. Results of the surveys shall be submitted to the Service prior to any action being taken. Escarpments that interfere with sea turtle nesting or that exceed 18 inches in height for a distance of 100 feet shall be mechanically leveled to the natural beach contour by April 15. If the project is completed during the main part of the nesting season (May 1 through October 31), escarpments may be required to be leveled immediately, while protecting nests that have been relocated or left in place. An annual summary of escarpment surveys and actions taken shall be submitted to the Service.

5. The applicant shall arrange a meeting between representatives of the contractor, the Service, the Florida Department of Environmental Protection and the permitted person responsible for egg relocation at least 30 days prior to the commencement of work on this project. At least 10 days advance notice shall be provided prior to conducting this meeting. This will provide an opportunity for explanation and/or clarification of the sea turtle protection measures.
6. From April 15 through November 30, no construction equipment shall be parked on the beach where it could hinder sea turtle nesting and hatching activities. In addition, all construction pipes that are placed on the beach shall be located as far landward as possible without compromising the integrity of the existing or reconstructed dune system. Temporary storage of pipes shall be off of the beach to the maximum extent possible. Temporary storage of pipes on the beach shall be in such a manner so as to impact the least amount of nesting habitat and shall likewise not compromise the integrity of the dune systems (placement of pipes perpendicular to the shoreline is recommended as the method of storage).
7. From April 15 through November 30, all lighting associated with the project shall be limited to the immediate area of active construction only. Such lighting shall be the minimal lighting necessary to comply with U.S. Coast Guard and OSHA requirements and shall incorporate reduced wattage, downlights, special fixtures, and/or screens to minimize illumination of the nesting beach and nearshore waters. Lighting on offshore equipment shall be similarly minimized. Shielded low pressure sodium vapor lights are required for on-beach construction site illumination and recommended for all other lighting applications that cannot be eliminated.
8. A report describing the actions taken to implement the terms and conditions of this biological opinion shall be submitted to the Jacksonville Field Office within 60 days of completion of the proposed work for each year when the activity has occurred. This report will include the dates of actual construction activities, names and qualifications of personnel involved in nest surveys and relocation activities, descriptions and locations of hatcheries, nest survey and relocation results, and hatching success of nests.
9. In the event a sea turtle nest is excavated during construction activities, the permitted person responsible for egg relocation for the project should be notified so the eggs can be moved to a suitable relocation site.
10. Upon locating a dead, injured, or sick endangered or threatened sea turtle specimen, initial notification must be made to the nearest Fish and Wildlife Service Law Enforcement Office, 813-570-5398. Care should be taken in handling sick or injured specimens to ensure effective treatment and care and in handling dead specimens to preserve biological materials in the best possible state for later analysis of

cause of death. In conjunction with the care of sick or injured endangered or threatened species or preservation of biological materials from a dead animal, the finder has the responsibility to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed.

11. The reasonable and prudent measures, with their implementing terms and conditions, are designed to minimize incidental take that might otherwise result from the proposed action. With implementation of these measures, the Service believes that no more than those sea turtle nests and eggs that may be missed by a nest survey and egg relocation program will be incidentally taken. If, during the course of the action, this minimized level of incidental take is exceeded, such incidental take represents new information requiring review of the reasonable and prudent measures provided. The Federal agency must immediately provide an explanation of the causes of the taking and review with the Service the need for possible modification of the reasonable and prudent measures.

CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the ESA directs Federal agencies to utilize their authorities to further the purposes of the ESA by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information.

1. Construction activities for this project and similar future projects should be planned to take place outside the main part of the sea turtle nesting and hatching season.
2. Appropriate native salt-resistant dune vegetation should be established on the restored dunes. The Florida Department of Environmental Protection, Division of Beaches and Shores, can provide technical assistance on the specifications for design and implementation.
3. Surveys for nesting success of sea turtles should be continued for a minimum of 3 years following beach nourishment to determine whether sea turtle nesting success has been adversely impacted.
4. Educational signs should be placed where appropriate at beach access points explaining the importance of the area to sea turtles and/or the life history of sea turtle species that nest in the area.

In order for the Service to be kept informed of actions minimizing or avoiding adverse effects or benefitting listed species or their habitats, the Service requests notification of the implementation of any conservation recommendations.

This concludes formal consultation on the action(s) outlined in the Corps' letter of November 15, 1995. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

Sincerely,

Don Palmer

for Michael M. Bentzien
Acting Field Supervisor

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Egmont Key Alliance, Inc.

4275 34th Street South • Box 326
St. Petersburg, FL 33711-4595

(813) 893-2627

A Citizen Support Organization
Designated by the State of Florida,
Department of Environmental Protection,
Division of Recreation and Parks

February 22, 1995

Mr. A. J. Salem, Chief
Planning Division, Jacksonville District
U.S. Army Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

Re: Environmental Assessment for the Renourishment of Sand
Key, Pinellas County

Dear Mr. Salem:

The Egmont Key Alliance, the Citizens Support Organization for Egmont Key State Park, voted at its February Board Meeting to forward to you its concerns and recommendations on the above referenced project. Our primary concern is what impact the removal of sand from the Egmont Channel Shoal has on the massive erosion problem being experienced on Egmont Key. We ask that the following be addressed within the Environmental Assessment:

- * The results of the 5 year, post-dredging, monitoring program conducted by Pinellas County as a condition of the previously permitted shoal dredging. Specifically, has there been a change in wave energy or current action across the shoal as a result of this sand removal project? What change has taken place in the rate of erosion on Egmont Key from 1989 to the present? Has the initial removal of 1.3 million cubic yards of sand from the shoal affected sediment supply to Egmont Key?
- * The wisdom of placing sand from the Egmont Channel Shoal in an area north of Indian Rocks. Sediment transport along the Pinellas beaches is to the north, north of the Indian Rocks headland. This dredged material will not be returned to the Egmont Channel Shoal.
- * Relocation of the potential borrow site to an area north and west of the present site to decrease the impact on Egmont Channel and Egmont Key.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

6620 Southpoint Drive South

Suite 310

Jacksonville, Florida 32216-0958

IN REPLY REFER TO:
FWS/R4/ES-JAFL

December 3, 2001

Mr. Brian Brodehl
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232

Dear Mr. Brodehl:

The Fish and Wildlife Service has reviewed public notice PN-CO-CLW-252-A for maintenance dredging Clearwater Pass, Pinellas County, Florida. It is the first maintenance dredging of the pass since 1997 and approximately 30,000 cubic yards of material will be dredged. The Corps is proposing seven sites as potential dredged material disposal areas; a site on the north side of Clearwater Pass (A), a site immediately south of Clearwater Pass on the bay side of Sand Key (B), an upland site on Sand Key (C), two nearshore sites in the Gulf of Mexico (D and G), and the expansion of two existing disposal islands in Clearwater Harbor (E and F). In telephone conversations, and via fax, Mr. Bill Fonferek has indicated that the Corps wishes to amend this project to the Service's March 18, 1996 biological opinion for beach nourishment on Sand Key, Pinellas County, Florida.

We reviewed the coordination and consultation history of the Sand Key Beach Nourishment Project and the Clearwater Pass dredging project to determine if it is appropriate to amend the Sand Key biological opinion to include this project. Four of the seven proposed disposal areas (A, B, D and G) can be incorporated into the Service's March 18, 1996 biological opinion for Sand Key beach nourishment as the locations are in close proximity to the area, the actions are similar to, and the species of concern are the same as those addressed in that biological opinion. The upland site on Sand Key was adequately addressed in the Corps' November 1992 "Environmental Assessment, Maintenance Dredging Clearwater Pass, Pinellas County, Florida. Its use will not affect sea turtles and is not a site that should be amended into the biological opinion. Using dredged material to expand the two existing disposal islands will have to be coordinated as a new project under the Fish and Wildlife Coordination Act.

In the latest template for biological opinions regarding the effects of beach nourishment on sea turtle nesting, under "Terms and Conditions", compaction monitoring has been modified to two

stations per 500 foot interval. Paragraph 3a. of the Sand Key Biological Opinion is amended to read:

Compaction sampling stations must be located at 500-foot intervals along the project area. One station must be at the seaward edge of the dune/bulkhead line (when material is placed in this area), and one station must be midway between the dune line and the high water line (normal wrack line).

At each station, the cone penetrometer will be pushed to a depth of 6, 12, and 18 inches three times (three replicates). Material may be removed from the hole if necessary to ensure accurate readings of successive levels of sediment. The penetrometer may need to be reset between pushes, especially if sediment layering exists. Layers of highly compact material may lay over less compact layers. Replicates will be located as close to each other as possible, without interacting with the previous hole and/or disturbed sediments. The three replicate compaction values for each depth will be averaged to produce final values for each depth at each station. Reports will include all 18 values for each transect line, and the final 6 averaged compaction values.

We, therefore, amend the March 18, 1996 biological opinion for Sand Key beach nourishment to include four additional disposal sites (A, B, D and G) included in public notice PN-CO-CLW-252-A and updating "Terms and Conditions, paragraph 3a" to include the most recent wording regarding compaction sampling.

If you have any questions regarding these comments please contact Bryan Pridgeon at 727-570-5398, extension 13.

Sincerely,



for Peter M. Benjamin
Assistant Field Supervisor

a

cc:

Sandy MacPherson

S: palmer\clearwater\acm\12.03.01

APPENDIX III

COORDINATION



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

July 30, 2001

Construction-Operations Division
Public Notice NO. PN-CO-CLW-252-A

PUBLIC NOTICE

TO WHOM IT MAY CONCERN: The District Engineer, Jacksonville District, U.S. Army Corps of Engineers, has submitted a request for water quality certification to the State of Florida, Department of Environmental Protection for maintenance dredging of Clearwater Pass. **This public notice serves as an amendment to PN-CO-CLW-252, dated April 25, 2001.** This Federal project is being evaluated and coordinated pursuant to 33 CFR 335 through 338.

Comments regarding the project should be submitted either in writing or e-mail to the District Engineer at the above address within 30 days from the date of this notice. Any person who has an interest, which may be affected by the construction of this project may request a public hearing. The request must be submitted in writing to the District Engineer within 30 days of the date of this notice and must clearly set forth the interest, which may be affected and the manner in which the interest may be affected by this activity.

If you have any questions concerning this application, you may contact Mr. Brian Brodehl of this office, telephone 904-232-3600; or E-mail: brian.k.brodehl@saj02.usace.army.mil

WATERWAY & LOCATION: Clearwater Pass, Pinellas County, Florida

WORK & PURPOSE: The proposed work consists of performing routine maintenance dredging of the Federally authorized navigation channel in Clearwater Pass. Approximately 30,000 cubic yards of shoal material will be dredged and placed in any of **seven** separate locations in the vicinity of the inlet. **All of the placement alternatives will be addressed in the Environmental Assessment.** This amendment has added proposed placement areas; C-Upland, D-Nearshore, E-Beach, F-Beach, and G-Nearshore. Beach areas E and F were included at the request of the Audubon Society. No seagrasses have been identified in the vicinity of the two interior islands. Nearshore placement areas D and G are proposed for use during dredging by Army Corps of Engineers plant. Area D has been shown not to contain hardbottom and will serve as additional shore protection. Placement Area C is part of the Sand

Key Park and was used during the last maintenance dredging event in 1994.

The purpose of this amendment is to allow for sufficient placement options for current and future dredge material as one or more of the proposed placement areas may be determined to be unsuitable.

PROJECT AUTHORIZATION: Rivers and Harbors Act of 14 July 1960, House Document 293, 86th Congress, 2nd Session.

APPLICABLE LAWS: The following laws are, or may be, applicable to the review of the proposed disposal sites and to the activities affiliated with this Federal project:

1. Section 404 of the Clean Water Act of 1977 (PL 95-217) (33 U.S.C. 1344).
2. Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (PL 92-532) (33 U.S.C. 1413, 86 Stat. 1052).
3. Section 302 of the Marine Protection, Research, and Sanctuaries Act of 1972 (PL 92-532, 86 Stat. 1052).
4. The National Environmental Policy Act of 1969 (PL 91-190) (42 U.S.C. 4321-4347).
5. Sections 307(c)(1) and (2) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456(c)(1) and (2), 86 Stat. 1280).
6. The Fish and Wildlife Act of 1956 (16 U.S.C. 472a et seq).
7. The Migratory Marine Game-Fish Act of 1959 (16 U.S.C. 760c-760g).
8. The Fish and Wildlife Coordination Act of 1958 (16 U.S.C. 661-666c).
9. The Endangered Species Act of 1973 (PL 93-205) (16 U.S.C. 668aa-668cc-6, 87 Stat. 884).
10. The National Historic Preservation Act of 1966 (16 U.S.C. 470, 80 Stat. 915).
11. Section 313 of the Clean Water Act of 1977 (33 U.S.C. 1323, 85 Stat. 816).

EVALUATION FACTORS: All factors, which may be relevant to the proposal, will be considered including the cumulative effects thereof. Among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic resources, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, seagrasses, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

EVALUATION:

a. Environmental Assessment (EA): An EA for maintenance dredging of Clearwater Pass was completed in November 1992, and the FONSI signed on December 8, 1992. The existing EA will be reviewed and amended as necessary to address new project conditions and environmental concerns.

b. Environmental Impact Statement (EIS): Based on the information in the EA, the evaluation of this project suggests the proposed dredging action would have no significant or cumulative adverse impacts on the quality of the human environment and an EIS, pursuant to the National Environmental Policy Act (NEPA), will not be required.

c. Threatened or Endangered Species: Consultation with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act has previously been conducted for the project. The following species could be located in the project area: Green sea turtle, Hawksbill sea turtle, Kemp's Ridley sea turtle, Leatherback sea turtle, Loggerhead sea turtle, West Indian manatee. Species of migratory birds that could be affected include the peregrine falcon, bald eagle, piping plover, wood stork, southeastern kestrel, roseate tern, least tern, snowy plover, little blue heron, snowy egret, tricolored heron American oyster catcher and brown pelican.

This notice serves to initiate further coordination with NMFS and USFWS regarding protection of threatened or endangered species in the project area.

d. Historical Resources: Prior coordination with The National Register of Historic Resources and archival research revealed no recorded historic resources exist in the project area. In a letter dated June 24, 1991, the State Historic Preservation

Office recommended that no further cultural investigations were required to meet the requirements of the National Historic Preservation Act (PL 89-665). However, if such resources are found within the project area during maintenance, all precautions will be taken to preserve those resources in their pre-discovery condition. Any unusual items as observed by Corps personnel or by the Contractor to have historical or archeological value shall be reported as soon as practicable.

e. Coastal Zone Management: The WQC application process will evaluate this project in accordance with the Florida Coastal Zone Management Act. As with past dredging projects in Clearwater Pass, the final project will be consistent with the goals and intent of the appropriate State statutes. This preliminary determination is based on the previous environmental evaluation, Section 404(b)(1) Evaluation, and Coastal Zone Consistency Determination for this project. Full compliance will be achieved by issuance of the WQC from the State of Florida.

f. Essential Fish Habitat: This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the Intracoastal Waterway. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

DISSEMINATION OF NOTICE: You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have an interest in this matter.

COORDINATION: This notice is being sent to the following agencies:

FEDERAL AGENCIES:

FEDERAL HIGHWAY ADMINISTRATION
U.S. COAST GUARD
U.S. FISH & WILDLIFE SERVICE
ATLANTIC MARINE CENTER
NATIONAL MARINE FISHERIES SERVICE
NATIONAL PARK SERVICE
U.S. GEOLOGICAL SURVEY
FEDERAL ENERGY REGULATIONS
U.S. ENVIRONMENTAL PROTECTION AGENCY
NATIONAL OCEANOGRAPHIC AND ATMOSPHERIC ADMINISTRATION

FEDERAL MARITIME COMMISSION
U.S. DEPARTMENT OF AGRICULTURE

STATE AGENCIES:

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF SOLID WASTE MANAGEMENT
FLORIDA INLAND NAVIGATION DISTRICT
GULF COAST INLAND NAVIGATION DISTRICT
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF ARCHIVES, HISTORY & RECORDS
STATE HISTORIC PRESERVATION OFFICE
FLORIDA DEPARTMENT OF TRANSPORTATION
SOIL CONSERVATION SERVICE
PLANNING MANAGER BUREAU OF SUBMERGED LANDS DEPARTMENT
BUREAU OF SOIL AND WATER CONSERVATION
FLORIDA OFFICE OF ENTOMOLOGY
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
SUWANNEE RIVER WATER MANAGEMENT DISTRICT
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
FLORIDA STATE CLEARINGHOUSE
FLORIDA MARINE PATROL
BUREAU OF STATE PLANNING
FLORIDA DIVISION OF RECREATION
NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL
HABITAT CONSERVATION SERVICE
FLORIDA STATE CONSERVATION SERVICE

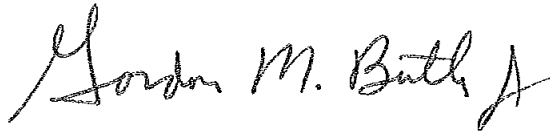
ENVIRONMENTAL ORGANIZATIONS:

FLORIDA AUDUBON SOCIETY
FLORIDA WILDLIFE FEDERATION
SIERRA CLUB
FLORIDA DEFENDERS OF THE ENVIRONMENT
NATIONAL ESTUARY PROGRAM

LOCAL GOVERNMENTS:

CITY MANAGER, CLEARWATER BEACH
PINELLAS COUNTY COMMISSIONER

FOR THE COMMANDER:



Gordon M. Butler, Jr.
Chief, Construction-Operations
Division

Encl

PN-CO-CLW-252-A

NEARSHORE
1000' X 100'
8'-12' MLLW

(G)

Mandalay
Channel

Clearwater Beach Island

CLEARWATER MEMORIAL CSWY

S GULF VIEW BLVD

(A)

BEACH

POTENTIAL
PLACEMENT
LOCATIONS

UPLAND

(B)

SEA-GRASS

Clearwater Bay

(C)

Belleair Beach

REGION WITH
NO HARDBOTTOMS

NEARSHORE
1000' X 100'
R-55 TO R-56
8'-12' MLLW

(D)

Belleair Beach

ISLAND
EXPANSION

(E)

ISLAND
EXPANSION

(F)

INDIAN ROCKS ROAD



DRAWINGS TO ACCOMPANY THE
PUBLIC NOTICE
NO. PN-CO-CLW-252

PNSHI-51-03N

U.S. ARMY CORPS OF ENGINEERS

PROJECT: MAINTENANCE DREDGING, 8 & 10 FOOT PROJECT
CLEARWATER PASS, PINELLAS COUNTY, FLORIDA

DATE: JULY 2001 SHEET 1a OF 5



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

STEVEN M. SEIBERT
Secretary

August 22, 2001

Mr. Brian Brodehl
Department of the Army
Jacksonville District Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

RE: Department of the Army - District Corps of Engineers - Public Notice Number
PN-CO-CLW-252 - Routine Maintenance Dredging of Federally Authorized
Navigation Channel in Clearwater Pass - Pinellas County, Florida
SAI#: FL200105020272C

Dear Mr. Brodehl:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4321, 4331-4335, 4341-4347, as amended, has coordinated a review of the above-referenced project.

The Florida Fish and Wildlife Conservation Commission (FWC) notes that in order to comply with Section 370.12 Florida Statutes, the Marine Turtle Protection Act, the project design must be modified to include the measures identified by FWC in the enclosure. Please refer to the enclosed FWC comments.

The Tampa Bay Regional Planning Council (TBRPC) notes that its in-house review suggest that further action by the council will not be required; however, additional review may be required by its member local governments. Therefore, the applicant is encouraged to coordinate with the affected local governments to ensure compliance with all applicable local review or permit requirements. Please refer to the enclosed TBRPC comments.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100

Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781

Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, Florida 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

EMERGENCY MANAGEMENT
2575 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

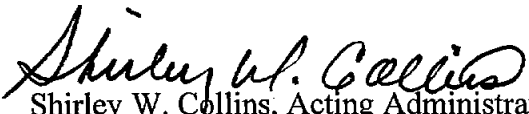
HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

Mr. Brian Brodehl
August 22, 2001
Page Two

Based on the information contained in the referenced application and the enclosed comments provided by our reviewing agencies, the state has determined that the referenced action is consistent with the Florida Coastal Management Program. However, the applicant is required to fully comply with the conditions identified by the FWC, which are incorporated herein by reference.

Should questions arise regarding this letter, please call Ms. Jasmin Raffington at (850) 922-5438.

Sincerely,


Shirley W. Collins, Acting Administrator
Florida Coastal Management Program

SWC:jj

Enclosures

cc: Susan Cook, Housing and Community Development
Angela Hurley, Tampa Bay Regional Planning Council
Bradley J. Hartman, Fish and Wildlife Conservation Commission
Janet Snyder Matthews, Department of State
Larry B. Phillips, Department of Transportation

FL2001050202120



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

April 25, 2001

RECEIVED
MAY 01 2001

Construction-Operations Division
Public Notice NO. PN-CO-CLW-252

State of Florida Clearinghouse

PUBLIC NOTICE

TO WHOM IT MAY CONCERN: The District Engineer, Jacksonville District, U.S. Army Corps of Engineers, is in the process of submitting a request for water quality certification to the State of Florida, Department of Environmental Protection. This Federal project is being evaluated and coordinated pursuant to 33 CFR 335 through 338.

Comments regarding the project should be submitted either in writing or e-mail to the District Engineer at the above address within 30 days from the date of this notice. Any person who has an interest, which may be affected by the construction of this project may request a public hearing. The request must be submitted in writing to the District Engineer within 30 days of the date of this notice and must clearly set forth the interest, which may be affected and the manner in which the interest may be affected by this activity.

If you have any questions concerning this application, you may contact Mr. Brian Brodehl of this office, telephone 904-232-3600; or E-mail: brian.k.brodehl@saj02.usace.army.mil

WATERWAY & LOCATION: Clearwater Pass, Pinellas County, Florida

WORK & PURPOSE: The proposed work consists of performing routine maintenance dredging of the Federally authorized navigation channel in Clearwater Pass. Approximately 30,000 cubic yards of shoal material will be dredged and placed in two separate locations in the vicinity of the inlet. An estimated 10,000 cubic yards will be placed between the existing groins along the north side of the inlet. The remaining 20,000 cubic yards will be placed on the interior beach south of the inlet between Sand Key Park and the Gulf Intracoastal Waterway.

The channel will be dredged to the authorized project depths of -8 feet and -10 feet mean lower low water, with two feet of allowable overdepth dredging. Dredging may be performed by either a hydraulic cutter-suction dredge with a 16" or 18" discharge pipeline diameter or a clamshell dredge with scows. Use of a clamshell dredge will require offloading of the scows into

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



BARBARA C. BARSH
Jacksonville

QUINTON L. HEDGEPEETH, DDS
Miami

H.A. "HERKY" HUFFMAN
Deltona

DAVID K. MEEHAN
St. Petersburg

JULIE K. MORRIS
Sarasota

TONY MOSS
Miami

EDWIN P. ROBERTS, DC
Pensacola

JOHN D. ROOD
Jacksonville

ALLAN L. EGBERT, Ph.D., Executive Director
VICTOR J. HELLER, Assistant Executive Director

OFFICE OF ENVIRONMENTAL SERVICES
BRADLEY J. HARTMAN, DIRECTOR
(850)488-6661 TDD (850)488-6661
FAX (850)922-1111

June 4, 2001

Ms. Jasmin Raffington
Florida State Clearinghouse
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399-2100

Re: SAI #FL200105020272C, PN-CO-
CLW-252, U.S. Army Corps of
Engineers – Public Notice – Routine
maintenance dredging of federally
authorized navigation channel in
Clearwater Pass, Pinellas County

Dear Ms. Raffington:

The Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission has reviewed the referenced project, and offers the following comments.

This project involves routine maintenance dredging of the federally authorized navigation channel in Clearwater Pass. Approximately 30,000 cubic yards of shoal material will be dredged and placed in two separate locations in the vicinity of the inlet. An estimated 10,000 cubic yards will be placed between the existing groins along the north side of the inlet. The remaining 20,000 cubic yards will be placed on the interior beach south of the inlet between Sand Key Park and the Gulf Intracoastal Waterway.

To be considered consistent with Florida Statute 370.12, the Marine Turtle Protection Act, the following items should be included in the project design.

1. Updated Incidental Take and Biological Opinions from both the U.S. Fish & Wildlife Service and the National Marine Fisheries Service will be needed prior to final agency action by the Florida Department of Environmental Protection. This Opinion should include potential impacts to nearshore hard bottom habitats as well as impacts due to fill placement.
2. The local sponsor should be clearly identified in the project documents.

30 JUN 2001

Florida Fish and Wildlife Conservation Commission

Ms. Jasmin Raffington

June 4, 2001

Page 2

3. To allow appropriate assessments of suitability of the material for marine turtle nesting, sediment information should be provided for those areas above the mean high tide line, the area normally used for nesting by marine turtles. Combining sediment data from the entire beach profile, e.g., down to -20 NGVD, can skew the data and result in a statistic that does not accurately represent the marine turtle nesting beach. Information should be included on mean grain size, percent shell, percent silt-clay, and composition (carbonate versus quartz) for the dry beach only, including gradation curves and data. Average grain size, in mm, should be used as the standard measurement for comparisons, since this measurement of grain size is more easily interpreted in terms of marine turtle nesting response.
4. The berm should be designed to reduce the potential for scarp formation, thereby reducing impacts to nesting marine turtles. Such a design could include a steeper, subtidal slope and a more gradual slope in the intertidal zone. For some projects, it is appropriate to include an abrupt increase in elevation at the landward edge of the berm. Such a feature at the landward edge of the project could reduce negative impacts to turtles due to an increased number of lights becoming visible on the elevated beach berm.

In addition to these requirements for marine turtle protection, the standard manatee construction conditions should be followed for all in-water construction. The standard manatee construction conditions require that all personnel are responsible for observing manatees in the area and shutting down equipment in the event a manatee comes within 50 feet of the equipment, including any vessel motor and propeller. The contractor is required to designate one person per work ship responsible for the duty of manatee observer. This person should have some experience observing manatees and should not be performing any other duties that would hinder their ability to watch for manatees.

If you have any questions regarding these comments, please contact me, or Dr. Robbin Trindell regarding sea turtles or Ms. Mary Duncan regarding manatees at (850) 922-4330.

Sincerely,



Bradley J. Hartman, Director
Office of Environmental Services

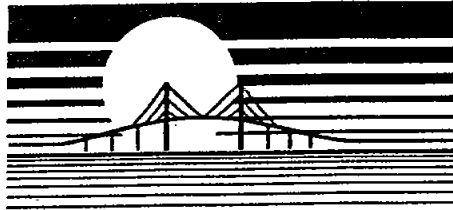
BJH/RT

ENV 7-2-14/1

A: SA10272C.doc

cc: Mr. Brad Rieck, FWS-Vero Beach

Mr. William Fonferek, U.S. Army Corps of Engineers, Jacksonville



Tampa Bay Regional Planning Council

Chairman
Mayor Pat Whitesel

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Councilman Jerry King

Secretary/Treasurer
Commissioner Barbara Sheen Todd

Executive Director
Manny L. Pumariega

July 12, 2001

Mr. Jack Gaskins, Coordinator
Florida State Clearinghouse
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Subject: IC&R #116-01, Clearwater Pass Proposed Maintenance Dredging of the Federally
Authorized Navigation Channel, SAI #FL200105020272C, Pinellas County

Dear Mr. Gaskins:

This letter constitutes acknowledgment and preliminary assessment of an application for the aforementioned project submitted under the provisions of Florida's Intergovernmental Coordination and Review (IC&R) process.

While we *do* find the proposal to be regionally significant, initial in-house review does not indicate the necessity for action by the Council. All member local governments will be notified of the application for any comments concerning local significance. The applicant will be contacted if any local concerns are identified.

In accordance with staff findings, and subject to concurrence of the Tampa Bay Regional Planning Council's (TBRPC) Clearinghouse Review Committee and TBRPC's full policy board, this project is considered to have met the requirement of Florida's IC&R process and no further review will be required by our agency. This letter constitutes compliance with IC&R only and does not preclude the applicant from complying with *other* applicable review/permit requirements or regulations.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Angela Hurley, Research Planner
Intergovernmental Coordination & Review

AH/bj

REGISTERED
JUL 15 2001

of Florida Clearinghouse



Florida Department of Transportation

JEB BUSH
GOVERNOR

605 Suwannee Street
Tallahassee, Florida 32399-0450

THOMAS F. BARRY, JR.
SECRETARY

May 29, 2001

RECEIVED
JUN 1 2001

Cherie Trainor
Florida State Clearinghouse
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida, 32399-2100

State of Florida Clearinghouse

Re: Department of the Army-Routine Maintenance Dredging of Clearwater Pass in
Pinellas County.
SAI # FL200105020272C

Dear Ms. Trainor:

The Department has reviewed the subject application and has no comments.

Sincerely,

Larry B. Phillips
Intermodal Specialist/Seaport Office

C: Don Skelton, D-7
Harry Reed, D-7
File

LP/

COUNTY: Pinellas

DATE: 05/03/2001
COMMENTS DUE DATE: 06/01/2001
CLEARANCE DUE DATE: 06/15/2001
SAI#: FL200105020272C

Message:

STATE AGENCIES

Community Affairs
Fish & Wildlife Conserv. Comm
State
X Transportation

WATER MANAGEMENT DISTRICTS

Southwest Florida WMD

OPB POLICY UNITS

Environmental Policy/C & ED

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized as one of the following:

- Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.
- X Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.
- Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.
- Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

Project Description:

Department of the Army - District Corps of Engineers - Public Notice No. PN-CO-CLW-252 - Routine Maintenance Dredging of Federally-Authorized Navigation Channel in Clearwater Pass - Pinellas County, Florida.

To: Florida State Clearinghouse
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 922-5438 (SC 292-5438)
(850) 414-0479 (FAX)

EO. 12372/NEPA

- ☒ No Comment
☐ Comments Attached
☐ Not Applicable

Federal Consistency

- ☐ No Comment/Consistent
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

From:

Division/Bureau: Seaport Office, Fla. Dept. of Transportation
Reviewer: Sam B. Phlips
Date: 5/24/01

**FLORIDA STATE CLEARINGHOUSE
RPC INTERGOVERNMENTAL COORDINATION
AND RESPONSE SHEET**

116-61

DATE: 05/02/2001

SAI #: FL200105020272C

COMMENTS DUE TO CLEARINGHOUSE: 06/01/2001

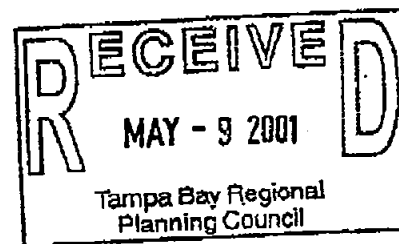
AREA OF PROPOSED ACTIVITY: COUNTY: Pinellas County

☐ FEDERAL ASSISTANCE ☒ DIRECT FEDERAL ACTIVITY ☐ FEDERAL LICENSE OR PERMIT ☐ OCS**PROJECT DESCRIPTION**

Department of the Army - District Corps of Engineers - Public Notice No. FN-CO-CLW-252 - Routine Maintenance Dredging of Federally-Authorized Navigation Channel in Clearwater Pass - Pinellas County, Florida.

ROUTING:RPC

X Tampa Bay RPC



PLEASE CHECK ALL THE LOCAL GOVERNMENTS BELOW FROM WHICH COMMENTS HAVE BEEN RECEIVED; ALL COMMENTS RECEIVED SHOULD BE INCLUDED IN THE RPC'S CLEARINGHOUSE RESPONSE PACKAGE. IF NO COMMENTS WERE RECEIVED, PLEASE CHECK "NO COMMENT" BOX AND RETURN TO CLEARINGHOUSE.

COMMENTS DUE TO RPC: 05/23/2001

Pinellas CountyNO COMMENTS: ☒

(IF THE RPC DOES NOT RECEIVE COMMENTS BY THE DEADLINE DATE, THE RPC SHOULD CONTACT THE LOCAL GOVERNMENT TO DETERMINE THE STATUS OF THE PROJECT REVIEW PRIOR TO FORWARDING THE RESPONSE PACKAGE TO THE CLEARINGHOUSE.)

NOTES:

ALL CONCERNS OR COMMENTS REGARDING THE ATTACHED PROJECT (INCLUDING ANY RPC COMMENTS) SHOULD BE SENT IN WRITING BY THE DUE DATE TO THE CLEARINGHOUSE. PLEASE ATTACH THIS RESPONSE FORM AND REFER TO THE SAI # IN ALL CORRESPONDENCE.

IF YOU HAVE ANY QUESTIONS REGARDING THE ATTACHED PROJECT, PLEASE CONTACT THE STATE CLEARINGHOUSE AT (904) 922-5438 OR SUNCOM 272-5438.

SAI Routing Sheet

COUNTY: Pinellas

DATE: 05/03/2001

Message:

SAI#: FL200105020272C

PROJECT TO BE REVIEWED BY: (Div/Program)	ASSIGNED REVIEWERS (Print Last Name)	IS PROJECT LOCATED IN APPROVED DRI? (Circle Yes/No)				Is Project CONSISTENT w/ COMPLAN?		Is Project CONSISTENT w/ FCMP?		Do you have any COMMENTS on project?		DATE REVIEW COMPLETED	RVWR/SUPV INIT
		YES		NO		YES	NO	YES	NO	YES	NO		
		Is Project Consistent with DO?	Is Project DRI Scale?										
DCP	RWD	YES	NO	YES	NO							5/14/01	
5/8/01 (Date Rec'd)			Monitoring Letter?	Monitoring Letter?									
		YES	NO	YES	NO								
Complete and forward to Div/Prog Below no later than: 05/17/2001													
CMP	Vinson	Wetlands?		Stormwater?								7/2	
5/17/01 (Date Rec'd)		YES	NO	YES	NO								
Complete and forward to ACC Coordinator no later than: 06/01/2001													

UNIT COORDINATORS for Intergovernmental Coordination and Review:

ACC	Agency Contact Coordinator	DiAnne Cobb	Room 310.02	414-5497
CMP	Florida Coastal Management Program	DiAnne Cobb	Room 310.02	414-5497
FCT	Florida Communities Trust (Ofc of Sec)	Keith McCarron	Room 310C	922-1703
DCP	Division of Community Planning	Debbie Johnson	Room 365.02	488-2356

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized as one of the following:

- ☐ Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.
- ☒ Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.
- ☐ Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.
- ☐ Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

Project Description:

Department of the Army - District Corps of Engineers - Public Notice No. PN-CO-CLW-252 - Routine Maintenance Dredging of Federally-Authorized Navigation Channel in Clearwater Pass - Pinellas County, Florida.

EO. 12372/NEPA ☐ No Comment ☐ Comments Attached ☐ Not Applicable

Federal Consistency ☐ No Comment/Consistent ☐ Consistent/Comments Attached ☐ Inconsistent/Comments Attached ☐ N/A

INSTRUCTIONS:

1. UNIT COORDINATORS are responsible for logging in, logging out, and hand-carrying/mailling project packages to the next reviewing unit on this form, or to the ACC if all review requirements have been met. Failure to meet internal suspense dates may result in loss of opportunity to comment on critical issues.
2. Requests for EXTENSIONS should be made prior to due date, especially if COMMENTS will be submitted. Contact your UNIT COORDINATOR, who will request the EXTENSION from the ACC.
3. Agency COMMENTS on SAIs will be sent to the State Clearinghouse (SCH) and should be prepared in LETTER format for the Secretary's signature. Forward the project package to the next review unit while your COMMENTS are being drafted. Coordinate your comments with other reviewers prior to finalizing.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, Florida 33702

August 29, 2001

Gordon M. Butler
Chief, Jacksonville District Construction-Operations Division
Department of the Army, Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

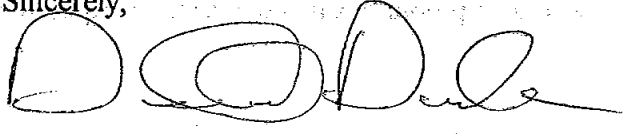
Dear Mr. Butler:

The National Marine Fisheries Service (NMFS) has reviewed public notice PN-CO-CLW-252-A, dated July 30, 2001, amending public notice PN-CO-CLW-252 regarding the proposed maintenance dredging of the Federally authorized navigation channel in Clearwater Pass, Pinellas County, Florida. By letter dated May 25, 2001, we provided comments and recommendations pertaining to two disposal sites considered for this project. Specifically, we identified seagrass habitat that occurs within one of the disposal sites and recommended measures to protect and conserve seagrasses at that site. The footprint of that disposal site has been modified in accordance with our recommendations. The amended public notice also identifies five additional disposal sites that are now being considered for this project.

For the most part we anticipate that any adverse impacts to living marine resources would be minor and/or temporary from using the proposed disposal sites. However, we do have concern regarding the two island renourishment sites recommended by the Audubon Society. The NMFS would generally be opposed to significant expansion of these islands where substantial conversion of aquatic habitats to other habitat types, including conversion to uplands, would occur. We recommend, at a minimum, that prior to utilizing these two sites the details regarding the intended size and elevations of the renourishment areas to be established be coordinated, for comment, among the agencies with stewardship responsibilities over the affected resources. Ideally, we recommend that a management plan for these islands be developed that gives full consideration to the affected fish and wildlife resources of Clearwater Harbor. NMFS staff in St. Petersburg is available to assist in that effort if undertaken.

If we can be of further assistance, please advise. Related comments, questions or correspondence should be directed to Mr. David N. Dale in St. Petersburg, Florida. He may be contacted at 727/570-5311 or at the letterhead address above.

Sincerely,


for

Andreas Mager, Jr.
Assistant Regional Administrator
Habitat Conservation Division



cc:

F/SER4

F/SER43

F/SER3

EPA-Atlanta

FWS-Jacksonville, St. Petersburg

FDEP-Tallahassee, Tampa

FFWCC-Tallahassee

SWFWMD-Tampa

TBRPC-St. Petersburg

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



JULIE K. MORRIS
Sarasota

DAVID K. MEEHAN
St. Petersburg

H.A. "HERKY" HUFFMAN
Deltona

JOHN D. ROOD
Jacksonville

QUINTON L. HEDGEPEETH, DDS
Miami

EDWIN P. ROBERTS, DC
Pensacola

RODNEY BARRETO
Miami

ALLAN L. EGBERT, Ph.D., Executive Director
VICTOR J. HELLER, Assistant Executive Director

DAVID W. ARNOLD, CHIEF
BUREAU OF PROTECTED SPECIES MANAGEMENT
(850)922-4330
FAX (850)922-4338

August 29, 2001

Mr. Brian Brodehl
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

RE: USACE Public Notice No. PN-CO-CLW-
252-A, Clearwater Pass Maintenance
dredging, Pinellas County

Dear Mr. Brodehl:

Staff in the Office of Environmental Services has reviewed the aforementioned Public Notice for routine maintenance dredging of the Federally authorized navigation channel in Clearwater Pass and placement of 30,000 cubic yards of shoal material in any of seven separate locations in the vicinity of the inlet, Pinellas County and offers the following comments.

As the state agency charged with ensuring that impacts to threatened and endangered marine turtles are addressed during construction activities, our staff is involved in the design, permitting, and monitoring of all beach restoration and maintenance dredging activities in the state. Recently, review of constructed projects indicates that the location, elevation, and shape of the beach fill template and the composition of the fill material can impact marine turtles, their nests, and hatchlings. To minimize these impacts, the following recommendations should be incorporated into this project.

The location, elevation, and shape of the beach fill template can impact turtles either through interference with access to suitable nesting sites, loss of nests deposited in the seaward areas of the berm during profile adjustment, or increased susceptibility to landward lights after construction. For fill placed on the nesting beach, the construction template should approximate that of a native beach, with a steeper subtidal and intertidal zone and a gentle slope above the MHW.

A more natural profile can reduce negative impacts to marine turtles, their nests, and hatchlings in several ways, particularly if scarp formation is minimized. Scarps along a wide, flat construction berm may block access to suitable nesting habitat higher on the beach. Nests deposited seaward of the scarp or close to the seaward edge of the berm may be lost to erosion during profile adjustment. Lights from landward development may be more visible from a wide, flat nesting beach with little or no slope, resulting in either avoidance of the beach by

nesting females or disorientation of adults or hatchlings. Nests that are deposited on wide, flat berms may be more susceptible to erosion and overwash.

Placement of fill in the nearshore zone can also impact marine turtles. Nourishment operations that result in a wide, flat intertidal zone can interfere with access to the nesting beach. Data suggests that marine turtles avoid crossing elevated structures in the nearshore zone or wide intertidal areas. For some projects, sand deposition in this zone resulted in an exposed sand flat. Nests that were deposited on this flat were lost to erosion and overwash.

Florida law requires that fill material placed on the beach be similar in composition and size to the native beach and suitable for marine turtle nesting. Prior to dredging, data on the sediment grain size distribution and composition should be reviewed by state and federal agencies involved in marine turtle protection to ensure the material can be placed on the nesting beach.

State law requires that construction activities that could cause take of marine turtles must have authorization for incidental take under the Federal Endangered Species Act. To minimize the potential for delay in the water quality certification process, all Biological Opinions two years or older should be updated through consultation with the appropriate agency, either U.S. Fish & Wildlife Service or NMFS.

Thank you for the opportunity to comment on this project. We look forward to continued participation in the review and approval of this project. Please contact me at (850) 922-4330 if you have questions or require additional information.

Sincerely,



Robbin N. Trindell, Ph.D.
Biological Administrator

RNT/rt

ENV 7-3

C:\Data\Beaches\Pinellas\2001\ACOE PN Clearwater Pass MD.doc

cc: Sandy MacPherson, FWS-Jax
Brad Rieck, FWS-Vero
Bill Fonferek, FWS-Jax
Marty Seeling, DEP-OBCS

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
Division of Administrative Services



FLORIDA DEPARTMENT OF STATE

Katherine Harris

Secretary of State

DIVISION OF HISTORICAL RESOURCES

MEMBER OF THE FLORIDA CABINET

State Board of Education
Trustees of the Internal Improvement Trust Fund
Administration Commission
Florida Land and Water Adjudicatory Commission
Siting Board
Division of Bond Finance
Department of Revenue
Department of Law Enforcement
Department of Highway Safety and Motor Vehicles
Department of Veterans' Affairs

District Engineer
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

June 15, 2001

RE: DHR No. 2001-4093
Date Received by DHR: April 27, 2001
Agency: United States Army Corps of Engineers
Public Notice No. PN-CO-CLW-252
Project Name: Clearwater Pass
Pinellas County, Florida

RECEIVED

JUN 22 2001

JACKSONVILLE DISTRICT
USACE

Dear District Engineer:

Our office has received and reviewed the above referenced project in accordance with Section 106 of the *National Historic Preservation Act of 1966* (Public Law 89-665), as amended in 1992, and 36 C.F.R., Part 800: *Protection of Historic Properties*. The State Historic Preservation Officer (SHPO) is to advise and assist federal agencies when identifying historic properties (listed or eligible for listing, in the National Register of Historic Places), assessing effects upon them, and considering alternatives to avoid or reduce the project's effect on them.

Records indicate that our office issued a letter on June 24, 1991 indicating that no further cultural resource investigations were required to meet the requirements of the *National Historic Preservation Act of 1966*. We maintain this determination.

If you have any questions concerning our comments, please contact Brian Yates, Historic Sites Specialist, at byates@mail.dos.state.fl.us. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

Frederick P. Gable, Deputy SHPO

Janet Snyder Matthews, Ph.D., Director
Division of Historical Resources
State Historic Preservation Officer

JSM/Yby



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

STEVEN M. SEIBERT
Secretary

November 20, 2001

Mr. Brian Brodehl
Department of the Army
Jacksonville District Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

RE: U.S. Department of the Army - District Corps of Engineers - Public Notice
Number PN-CO-CLW-252-A - Maintenance Dredging of Clearwater Pass -
Clearwater, Pinellas County, Florida
SAI#: FL200108200811C

Dear Mr. Brodehl:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4321, 4331-4335, 4341-4347, as amended, has coordinated a review of the above-referenced project.

The Department of Environmental Protection (DEP) notes that the consistency of the Clearwater Pass Maintenance Dredging project cannot be determined at this time. Potential environmental impacts of the dredging project are being addressed in the application for a Joint Coastal Permit, authorization to use sovereign submerged lands and water quality certification (File Number 0184778-001-JC) that are currently under review. The DEP recommends that the United States Army Corps of Engineer and the local project sponsor continue to coordinate with Mr. Michael Corrigan at (850) 487-4471, extension 122, in the Department's Office of Beaches and Coastal Systems to resolve any outstanding issues related to sediment quality and composition, sediment placement, dredging/disposal turbidity, seagrass bed, hardbottom, shellfish, marine turtle, and manatee protection, resource mitigation, and filling of sovereign submerged lands within the Pinellas County Aquatic Preserve. Please refer to the enclosed DEP comments.

The Tampa Bay Regional Planning Council (TBRPC) notes that the referenced project is regionally significant and consistent with the goals, objectives, or policies. Please refer to the enclosed TBRPC comments.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100

Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781

Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, Florida 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

EMERGENCY MANAGEMENT
2575 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

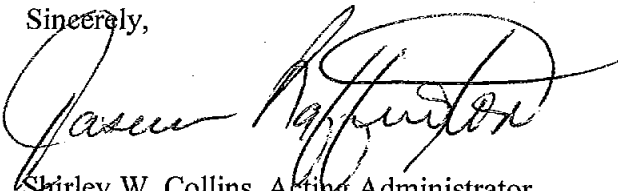
HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

Mr. Brian Brodehl
November 20, 2001
Page Two

Based on the information contained in the referenced public notice and the enclosed comments provided by our reviewing agencies, the state has determined that at this stage, the referenced project is consistent with the Florida Coastal Management Program. However, the applicant is required to provide the Florida State Clearinghouse with the environmental assessment prepared for the project and fully comply with the conditions identified by DEP during the permitting process.

Thank you for the opportunity to review this project. Should questions arise regarding this letter, please call Ms. Jasmin Raffington at (850) 922-5438.

Sincerely,



Shirley W. Collins, Acting Administrator
Florida Coastal Management Program

SWC:jj

Enclosures

cc: Lauren P. Milligan, Department of Environmental Protection
Angela Hurley, Tampa Bay Regional Planning Council



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

July 30, 2001

FL2001082608112

Construction-Operations Division
Public Notice NO. PN-CO-CLW-252-A

PUBLIC NOTICE

TO WHOM IT MAY CONCERN: The District Engineer, Jacksonville District, U.S. Army Corps of Engineers, has submitted a request for water quality certification to the State of Florida, Department of Environmental Protection for maintenance dredging of Clearwater Pass. **This public notice serves as an amendment to PN-CO-CLW-252, dated April 25, 2001.** This Federal project is being evaluated and coordinated pursuant to 33 CFR 335 through 338.

Comments regarding the project should be submitted either in writing or e-mail to the District Engineer at the above address within 30 days from the date of this notice. Any person who has an interest, which may be affected by the construction of this project may request a public hearing. The request must be submitted in writing to the District Engineer within 30 days of the date of this notice and must clearly set forth the interest, which may be affected and the manner in which the interest may be affected by this activity.

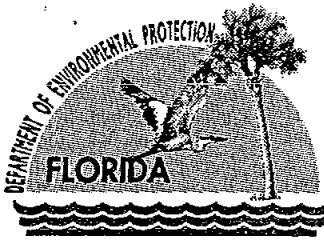
If you have any questions concerning this application, you may contact Mr. Brian Brodehl of this office, telephone 904-232-3600; or E-mail: brian.k.brodehl@saj02.usace.army.mil

WATERWAY & LOCATION: Clearwater Pass, Pinellas County, Florida

WORK & PURPOSE: The proposed work consists of performing routine maintenance dredging of the Federally authorized navigation channel in Clearwater Pass. Approximately 30,000 cubic yards of shoal material will be dredged and placed in any of **seven** separate locations in the vicinity of the inlet. All of the placement alternatives will be addressed in the Environmental Assessment. This amendment has added proposed placement areas; C-Upland, D-Nearshore, E-Beach, F-Beach, and G-Nearshore. Beach areas E and F were included at the request of the Audubon Society. No seagrasses have been identified in the vicinity of the two interior islands. Nearshore placement areas D and G are proposed for use during dredging by Army Corps of Engineers plant. Area D has been shown not to contain hardbottom and will serve as additional shore protection. Placement Area C is part of the Sand

AUG 06 2001

State of Florida Clearinghouse



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

September 20, 2001

Ms. Jasmin Raffington
Florida State Clearinghouse
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: USACOE – Public Notice – Request for Water Quality Certification (WQC), Maintenance
Dredging of Clearwater Pass, Clearwater, Pinellas County
SAI # FL200108200811C

Dear Ms. Raffington:

The Department has reviewed the above referenced Public Notice from the U. S. Army Corps of Engineers (USACOE) regarding the recent submittal of an application to the Department for WQC. We cannot determine the consistency of the Clearwater Pass Maintenance Dredging project at this time. The potential environmental impacts of the dredging project are being addressed in the application for a Joint Coastal Permit (JCP), authorization to use sovereign submerged lands, and WQC (DEP File No. 0184778-001-JC) currently under review by the Department, pursuant to Chapters 161, 253, 258, and 373, *Florida Statutes*. Final agency action on the permit application will constitute the State of Florida's final consistency determination.

We recommend that the USACOE and local project sponsor continue to coordinate with the Department's Office of Beaches and Coastal Systems to resolve any outstanding issues related to: sediment quality and composition; sediment placement; dredging/disposal turbidity; seagrass bed, hardbottom, shellfish, marine turtle, and manatee protection; resource mitigation; and filling of sovereign submerged lands within the Pinellas County Aquatic Preserve. For additional information on permitting requirements and information requested by the Department to complete the JCP application, please contact Mr. Michael Corrigan in the Office of Beaches and Coastal Systems at (850) 487-4471, ext. 122.

We appreciate the opportunity to comment on the Public Notice. If I may be of further assistance, please contact me at (850) 487-2231.

Sincerely,

Lauren P. Milligan

Lauren P. Milligan
Environmental Specialist
Office of Intergovernmental Programs

/lpm

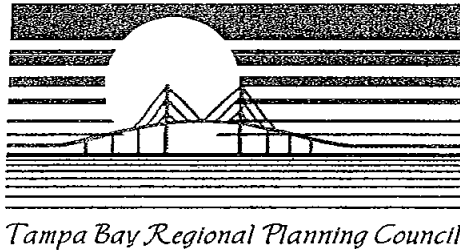
cc: Michael Corrigan, DEP, OBCS
Lori Collins, DEP, Southwest District

RECEIVED
SEP 24 2001

"More Protection, Less Process"

Printed on recycled paper.

State of Florida Clearinghouse



Chairman
Mayor Pat Whitesel

Vice-Chairman
Councilman Jerry King

Secretary/Treasurer
Commissioner Barbara Sheen Todd

Executive Director
Manny L. Pumariega

September 19, 2001

Ms. Jasmin Raffington
Florida State Clearinghouse
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Subject: IC&R #239-01, Maintenance Dredging of Clearwater Pass, SAI #FL200108200811, Pinellas County

Dear Ms. Raffington:

This letter constitutes acknowledgment and preliminary assessment of an application for the above-mentioned project submitted under the provisions of Florida's Intergovernmental Coordination and Review (IC&R) process.

While we *do not* find the proposal to be regionally significant, all member local governments will be notified of the application for any comments concerning local significance. The applicant will be contacted if any local concerns are identified.

In accordance with staff findings, and subject to concurrence of Tampa Bay Regional Planning Council's (TBRPC) Clearinghouse Review Committee and TBRPC's full policy board, this project is considered to have met the requirement of Florida's IC&R process and no further review will be required by our agency. This letter constitutes compliance with IC&R only and does not preclude the applicant from complying with *other* applicable review/permit requirements or regulations.

If you have any questions, please do not hesitate to contact me.

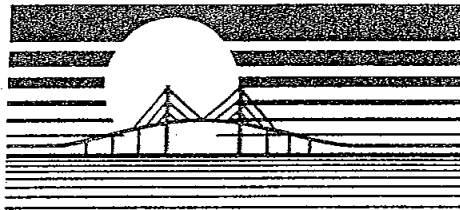
Sincerely,

Angela Hurley
Research Planner/IC&R Coordinator

AH/bj

RECEIVED
SEP 27 2001

State of Florida Clearinghouse



Tampa Bay Regional Planning Council

Chairman
Mayor Pat Whitesel

Vice-Chairman
Councilman Jerry King

Secretary/Treasurer
Commissioner Barbara Sheen Todd

Executive Director
Manny L. Pumariega

September 19, 2001

Ms. Jasmin Raffington
Florida State Clearinghouse
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Subject: IC&R #239-01, Maintenance Dredging of Clearwater Pass, SAI #FL200108200811, Pinellas County

Dear Ms. Raffington:

This letter constitutes acknowledgment and preliminary assessment of an application for the above-mentioned project submitted under the provisions of Florida's Intergovernmental Coordination and Review (IC&R) process.

While we *do not* find the proposal to be regionally significant, all member local governments will be notified of the application for any comments concerning local significance. The applicant will be contacted if any local concerns are identified.

In accordance with staff findings, and subject to concurrence of Tampa Bay Regional Planning Council's (TBRPC) Clearinghouse Review Committee and TBRPC's full policy board, this project is considered to have met the requirement of Florida's IC&R process and no further review will be required by our agency. This letter constitutes compliance with IC&R only and does not preclude the applicant from complying with *other* applicable review/permit requirements or regulations.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Angela Hurley
Research Planner/IC&R Coordinator

AH/bj

RECEIVED
SEP 27 2001

State of Florida Clearinghouse

COUNTY: PINELLAS

DATE: 8/6/01

COMMENTS DUE DATE: 9/19/01

CLEARANCE DUE DATE: 10/5/01

Message:

SAI#: FL200108200811C

STATE AGENCIES

WATER MNGMNT. DISTRICTS

OPB POLICY UNITS

COMMUNITY AFFAIRS
FISH & WILDLIFE CONSERV. COMM
X STATE
TRANSPORTATION
ENVIRONMENTAL PROTECTION

No Hist/Arch sites
in Project's APE

2ST, checked added areas to
project

SOUTHWEST FLORIDA WMD

Xref: 2001-04525
2001-04093
2001-07534

ENVIRONMENTAL POLICY/C & ED

Pinellas
SAI-COIPS

2001-8298

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The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized as one of the following:

- Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.
- Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.
- Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.
- X Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

Project Description:

DEPARTMENT OF THE ARMY - DISTRICT
CORPS OF ENGINEERS - PUBLIC NOTICE NO.
PN-CO-CLW-252-A - REQUEST FOR WATER
QUALITY CERTIFICATION (WQC) -
MAINTENANCE DREDGING OF CLEARWATER
PASS, CLEARWATER, PINELLAS COUNTY,
FLORIDA.

To: Florida State Clearinghouse

EO. 12372/NEPA

Federal Consistency

AGENCY CONTACT AND COORDINATOR (SCH)

2555 SHUMARD OAK BLVD

TALLAHASSEE, FLORIDA 32399-2100

(850) 414-6580 (SC 994-6580)

(850) 414-0479

- ☒ No Comment
- ☐ Comment Attached
- ☐ Not Applicable

- ☒ No Comment/Consistent
- ☐ Consistent/Comments Attached
- ☐ Inconsistent/Comments Attached
- ☐ Not Applicable

From:

Division of Historical Resources
Bureau of Historic Preservation

Division/Bureau:

Reviewer:

C. Halperin

Date:

9.26.01

Frederick P. Gabe
Deputy SHPO
9/26/01

SAI Routing Sheet

COUNTY: PINELLAS

DATE: 08/20/2001

SAI#: FL200108200811C

Message:

PROJECT TO BE REVIEWED BY: (Div/Program)	ASSIGNED REVIEWERS (Print Last Name)	IS PROJECT LOCATED IN APPROVED DRI? (Circle Yes/No)				Is Project CONSISTENT w/ COMPLAN?		Is Project CONSISTENT w/ FCMP?		Do you have any COMMENTS on project?		DATE REVIEW COMPLETED	RVWR SUPV INIT
		YES		NO		YES	NO	YES	NO	YES	NO		
		Is Project Consistent with DO?		Is Project DRI Scale?									
CMP	Jones	Wetlands?		Stormwater?								9-13-01	78
9/12/01 Date Rec'd		YES	NO	YES	NO								

Complete and forward to ACC Coordinator no later than: 9/19/01

UNIT COORDINATORS for Intergovernmental Coordination and Review:

CMP COASTAL MANAGEMENT PROGRAM

MS. VANESSA HOLMES

2555 SHUMARD OAK BLVD

(850) 414-6563

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized as one of the following:

- Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.
- Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.
- Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.
- X Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

Project Description:

DEPARTMENT OF THE ARMY - DISTRICT CORPS OF ENGINEERS - PUBLIC NOTICE NO. PN-C0-CLW-252-A - REQUEST FOR WATER QUALITY CERTIFICATION (WQC) - MAINTENANCE DREDGING OF CLEARWATER PASS, CLEARWATER, PINELLAS COUNTY, FLORIDA.

EO. 12372/NEPA ☐ No Comment ☐ Comments Attached ☐ Not Applicable
 Federal Consistency ☐ No Comment/Consistent ☐ Consistent/Comments Attached ☐ Inconsistent/Comments Attached ☐ N

INSTRUCTIONS:

1. UNIT COORDINATORS are responsible for logging in, logging out, and hand-carrying/mailling project packages to the next reviewing unit on this form, or to the ACC if all review requirements have been met. Failure to meet internal suspense dates may result in loss of opportunity to comment on critical issues.
2. Requests for EXTENSIONS should be made prior to due date, especially if COMMENTS will be submitted. Contact your UNIT COORDINATOR, who will request the EXTENSION from the ACC.
3. Agency COMMENTS on SAIs will be sent to the State Clearinghouse (SCH) and should be prepared in LETTER format for the Secretary's signature. Forward the project package to the next review unit while your COMMENTS are being drafted. Coordinate your comments with other reviewers prior to finalizing.

APPENDIX IV

COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS.

1. **National Environmental Policy Act (NEPA) of 1969, as amended.** Environmental information on the project has been compiled and the draft Environmental Assessment, was made available for public review through public notice PN-CO-CLW-252 and 252-A dated April 25, 2001 and July 30, 2001, respectively, in compliance with 33 CFR Parts 335-338. These regulations govern the Operations and Maintenance of US Army Corps of Engineers Civil Works Projects involving the Discharge of Dredged or Fill Material into Waters of the US or Ocean Waters. This public coordination and environmental impact assessment complies with the intent of NEPA. The process will fully comply with the Act once the District Commander has signed the Findings of No Significant Impact.

2. **Endangered Species Act of 1973, as amended.** Consultation with the US Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) was conducted by letter dated July 2, 1992, for maintenance dredging of the channel. The NMFS responded by letter dated July 14 1992 concurring in our No Effects determination. Since no beach placement was involved, the USFWS responded by letter dated August 1992, concurring in our determination provided the standard manatee protection conditions are implemented. Consultation was again initiated by public notice dated April 25, 2001 and July 30, 2001, respectively, for beach placement. Informally consultation and re-initiation of consultation occurred by issuance of the latest public notice. The Corps requested that the Biological Opinion for the adjacent Sand Key Beach Nourishment Project be amended to include the new beach placement areas. This BO requires a nest monitoring and relocation program will be conducted during the nesting period 1 April through 30 September. In addition, a 3-year escarpment and compaction monitoring program will be conducted after beach placement to determine if tilling is necessary. **The USFWS responded by letter dated December 3, 2001, amending the Sand Key BO to include the beach placement and nearshore areas and updating the monitoring requirements to the latest language.** This project was fully coordinated under the Endangered Species Act; therefore, this project is in full compliance with the Act.

3. **Fish and Wildlife Coordination Act of 1958, as amended.** The project has been coordinated with the USFWS during the public notice period. The USFWS did not respond during the public notice period so therefore, it is assumed they had no comments. Therefore, the project is in compliance with the Act.

4. **National Historic Preservation Act of 1966, as amended (PL 89-665).** An archival and literature review (including review of the current National Register of Historic Places listing and Master Site File records), a remote sensing survey and diver evaluations have been completed to determine if significant cultural resources are located within the area of impact for the proposed project. No significant cultural resources were located, therefore, it is not likely that significant cultural resources will be affected by advanced maintenance of the existing Federal channel. Review of both the remote sensing survey report and the diver evaluations of potentially significant targets have been coordinated with the Florida State Historic Preservation Officer

(SHPO). The SHPO responded to coordination by letter dated June 15, 2001, stating it had issued a letter dated June 24, 1991, stating that no further cultural investigations were necessary and that it was maintaining that determination. Therefore, the project is in compliance with this Act and with the Archeological and Historic Preservation Act, as amended (PL 93-291).

5. Clean Water Act of 1972, as amended.

5.1. Section 401. A Florida Department of Environmental Protection (DEP) Water Quality Certificate (WQC) (#0184778-001-JC) has been issued for the maintenance dredging of this area and nearshore placement. Note: Beach placement and island restoration were not authorized. State water quality standards will be adhered to during construction. The project will cause temporary increases in turbidity where dredging is taking place and at the disposal site. The Florida water quality regulations require that water quality standards not be violated during dredging operations. The standards state that turbidity outside the designated mixing zone shall not exceed 29 NTU's above background. Various protective measures and monitoring programs will be conducted during construction to ensure compliance with State water quality standards. Should monitoring determine that the State turbidity standards have been exceeded, the contractor will be required to cease operations until conditions return to normal.

5.2. Section 404 (b)(1). The purpose of Section 404(b)(1) of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the waters of the United States through the control of discharges of dredged or fill material. Controls are established through restrictions placed on the discharges in Guidelines published in 40 CFR 230. An evaluation of the dredged material was conducted (Appendix I). The impacts are addressed in the Environmental Assessment and are primarily related to a minor increase in turbidity levels adjacent to the placement area.

Based on the probable impacts addressed in the environmental assessment, the 404(b)(1) evaluation and Inland Testing Manual requirements concerning the dredged material to be used, the proposed work would comply with the Guidelines and the intent of Section 404(b)(1) of the Clean Water Act.

5.3. Section 404. The public notice also meets the requirements of the Clean Water Act.

6. Clean Air Act of 1972, as amended. No air quality permits will be required for this project. Therefore, this Act would not be applicable.

7. Coastal Zone Management Act of 1972, as amended. The project has been evaluated in accordance with Section 307 of the Coastal Zone Management Act. It has been determined that the project would have no unacceptable impacts and would be consistent with the Florida Coastal Management Plan (Appendix V). In accordance with the 1979 Memorandum of Understanding and the 1983 Addendum to the Memorandum concerning acquisition of water quality certifications and other State of Florida authorizations, the preliminary Environmental

Assessment and Section 404(b)(1) Evaluation have been submitted to the State in lieu of a summary of environmental impacts to show consistency with the Florida Coastal Zone Management Plan. State concurrence for the nearshore placement was received but the beach placement and island restoration was not. This was done concurrently with the issuance of the Water Quality Certification.

8. Farmland Protection Policy Act of 1981. No prime or unique farmland will be impacted by implementation of this project. This act is not applicable.

9. Wild and Scenic River Act of 1968, as amended. No designated Wild and Scenic river reaches will be affected by project related activities. This act is not applicable.

10. Marine Mammal Protection Act of 1972, as amended. Incorporation of the safe guards used to protect manatees during dredging and disposal operations will be implemented during construction, therefore, this project is in compliance with the Act.

11. Estuary Protection Act of 1968. No designated estuary will be affected by project activities. This act is not applicable.

12. Federal Water Project Recreation Act, as amended. There is no recreational development proposed for maintenance dredging or disposal. Therefore, this Act does not apply.

13. Resource Conservation and Recovery Act of 1976, (PL 94-580; 7 U.S.C. 100, et seq. This law has been determined not to apply, as there are no items regulated under this act being disposed of or affected by this project.

14. Toxic Substances Control Act of 1976, (PL 94-469; U.S.C. 2601, et seq. This law has been determined not to apply, as there are no items regulated under this act being disposed of or affected by this project.

15. E.O. 11990, Protection of Wetlands. No wetlands will be affected by project activities. This project is in compliance with the goals of this Executive Order.

16. E.O. 11988, Floodplain Management. No activities associated with this project will take place within a floodplain; therefore this project is in compliance with the goals of this Executive Order.

17. E.O. 12898, Environmental Justice. This project has been evaluated in accordance with the subject E.O. The project would not result in adverse human health or environmental effects. There would be no impacts on subsistence consumption of fish or wildlife from this project. Therefore, the work would comply with this E.O.

18. Essential Fish Habitat, Magnuson-Stevens Fishery Conservation and Management Act.

The affects of the maintenance dredging of an existing federal navigation project have been identified in the Environmental Assessment. The project was coordinated with NMFS during the public notice coordination. No adverse comments were received and therefore, it is assumed that the project is in compliance with EFH.

APPENDIX V

FLORIDA COASTAL ZONE CONSISTENCY DETERMINATION

FLORIDA COASTAL ZONE MANAGEMENT PROGRAM FEDERAL CONSISTENCY EVALUATION PROCEDURES

1. Chapter 161, Beach and Shore Preservation.

The intent of the coastal construction permit program established by this chapter is to regulate construction projects located seaward of the line of mean high water and which might have an effect on natural shoreline processes.

Response: The proposed project is located in an area seaward of the mean high water line. However, this placement is regarded as beneficial to the shoreline processes by placing sandy material on the beach or in a nearshore area. Therefore, the project would not apply to this chapter.

2. Chapters 186 and 187, State and Regional Planning.

These chapters establish the State Comprehensive Plan which sets goals that articulate a strategic vision of the State's future. Its purpose is to define in a broad sense, goals, and policies that provide decision-makers directions for the future and provide long-range guidance for an orderly social, economic and physical growth.

Response: A public notice was coordinated with the State Clearinghouse. No adverse State comments were received. Therefore, this project would comply with the intent of this Chapter.

3. Chapter 252, Disaster Preparation, Response and Mitigation.

This chapter creates a state emergency management agency, with the authority to provide for the common defense; to protect the public peace, health and safety; and to preserve the lives and property of the people of Florida.

Response: The dredging and placement would be consistent with the intent of this Chapter.

4. Chapter 253, State Lands.

This chapter governs the management of submerged state lands and resources within state lands. This includes archeological and historical resources; water resources; fish and wildlife resources; beaches and dunes; submerged grass beds and other benthic communities; swamps, marshes and other wetlands; mineral resources; unique natural features; submerged lands; spoil islands; and artificial reefs.

Response: The maintenance dredging and placements would affect state lands. No state resources

would not be affected. The proposal would comply with the intent of this chapter.

5. Chapters 253, 259, 260, and 375, Land Acquisition.

This chapter authorizes the state to acquire land to protect environmentally sensitive areas.

Response: Since the affected property already is in public ownership, this chapter would not apply.

6. Chapter 258, State Parks and Aquatic Preserves.

This chapter authorizes the state to manage state parks and preserves. Consistency with this statute would include consideration of projects that would directly or indirectly adversely impact park property, natural resources, park programs, management or operations.

Response: The proposed island expansion would be located within the Boca Ceiga Bay Aquatic Preserve. The work has been coordinated with the preserve. At this time they do not support this alternative. Therefore, this alternative would not be used until it is consistent with the State CZMP. Therefore, the project would be consistent with this chapter.

7. Chapter 267, Historic Preservation.

This chapter establishes the procedures for implementing the Florida Historic Resources Act responsibilities.

Response: The maintenance of this existing navigation channel has been coordinated with the Florida State Historic Preservation Officer. Procedures will be implemented to avoid affects on unidentified historic properties which may be located within the affected areas. No known historic properties, included or eligible for inclusion in the National Register of Historic Places, have been identified in the navigation channel or in the proposed upland disposal area. Therefore, the work will be consistent with the goals of this chapter.

8. Chapter 288, Economic Development and Tourism.

This chapter directs the state to provide guidance and promotion of beneficial development through encouraging economic diversification and promoting tourism.

Response: The maintenance dredging of the navigation channel encourages the development of Clearwater Pass and economic growth of the area. Therefore, the work would be consistent with the goals of this chapter.

9. Chapters 334 and 339, Public Transportation.

This chapter authorizes the planning and development of a safe balanced and efficient

transportation system.

Response: The maintenance dredging of the navigation channel promotes recreational navigation. Therefore, the work would comply with the goals of this chapter.

10. Chapter 370, Saltwater Living Resources.

This chapter directs the state to preserve, manage and protect the marine, crustacean, shell and anadromous fishery resources in state waters; to protect and enhance the marine and estuarine environment; to regulate fisherman and vessels of the state engaged in the taking of such resources within or without state waters; to issue licenses for the taking and processing products of fisheries; to secure and maintain statistical records of the catch of each such species; and, to conduct scientific, economic, and other studies and research.

Response: The maintenance dredging of this area would not adversely affect saltwater living resources. No saltwater living resources are found in the placement area. Based on the overall impacts of the work, the work is consistent with the goals of this chapter.

11. Chapter 372, Living Land and Freshwater Resources.

This chapter establishes the Game and Freshwater Fish Commission and directs it to manage freshwater aquatic life and wild animal life and their habitat to perpetuate a diversity of species with densities and distributions which provide sustained ecological, recreational, scientific, educational, aesthetic, and economic benefits.

Response: No living land or freshwater resources are affected. Therefore, the work would comply with the goals of this chapter.

12. Chapter 373, Water Resources.

This chapter provides the authority to regulate the withdrawal, diversion, storage, and consumption of water.

Response: This work does not involve water resources as described by this chapter.

13. Chapter 376, Pollutant Spill Prevention and Control.

This chapter regulates the transfer, storage, and transportation of pollutants and the cleanup of pollutant discharges.

Response: This work does not involve the transportation or discharging of pollutants.

14. Chapter 377, Oil and Gas Exploration and Production.

This chapter authorizes the regulation of all phases of exploration, drilling, and production of oil, gas, and other petroleum products.

Response: This work does not involve the exploration, drilling or production of gas, oil or petroleum product and therefore, does not apply.

15. Chapter 380, Environmental Land and Water Management.

This chapter establishes criteria and procedures to assure that local land development decisions consider the regional impact nature of proposed large-scale development.

Response: Since this is management of an existing project the work would be consistent with the goals of this chapter.

16. Chapter 388, Arthropod Control.

This chapter provides for a comprehensive approach for abatement or suppression of mosquitoes and other pest arthropods within the state.

Response: The work would not further the propagation of mosquitoes or other pest arthropods.

17. Chapter 403, Environmental Control.

This chapter authorizes the regulation of pollution of the air and waters of the state by the DEP.

Response: A request was sent to the Florida Department of Environmental Protection to issue a permit for maintenance dredging. Final compliance would come with the permit issuance. Therefore, the work is complying with the intent of this chapter.

18. Chapter 582, Soil and Water Conservation.

This chapter establishes policy for the conservation of the state soil and water through the Department of Agriculture. Land use policies will be evaluated in terms of their tendency to cause or contribute to soil erosion or to conserve, develop, and utilize soil and water resources both onsite or in adjoining properties affected by the work. Particular attention will be given to work on or near agricultural lands.

Response: The proposed work is not located near or on agricultural lands and would therefore, this chapter would not apply.

APPENDIX VI

ESSENTIAL FISH HABITAT DETERMINATION

ESSENTIAL FISH HABITAT ASSESSMENT CLEARWATER PASS

1. The current project was authorized by House Document 293, 86th Congress, 2nd Session dated July 14, 1960. Since the initial maintenance, sand and sediments have periodically accumulated in the channel reducing the navigable capacity of the project. The navigation channel is used by ocean going vessels. The channel depths are reduced by sedimentation. In order to maintain the Federal standard, the channel must be dredged.
2. Impacts to this resource are identified in Section 4, Environmental Consequences of the Environmental Assessment. Three types of placement areas have been identified; the beaches in the inlet, the islands created from construction of the GIWW, and the near-shore placement areas. We consider these impacts to be minimal on an individual project and cumulative affects basis.